

AMERICAN FOREIGN PO

1950-1955

BASIC DOCUMENTS

VOLUME II

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DEPARTMENT OF STATE

PUBLICATION 6446

GENERAL FOREIGN POLICY SERIES

PREFACE

In 1950 the Division of Historical Policy Research, Department of State and the staff of the Senate Committee on Foreign Relations collaborated in the preparation of a collection of documents on American foreign policy covering the years 1941-1949. This collection was released under the title *A Decade of American Foreign Policy: Basic Documents, 1941-49* as Senate Document 100, 80th Congress, 1st Session. The usefulness of this publication has shown the need for a supplement that would bring the collection up to date.

The present compilation, like its predecessor, has been prepared primarily for official use. The possibility that it might be of interest to others outside official circles has also played a part in determining the scope and editorial mechanics of the publication. In the 6-year span (1950-1955) of the compilation has been included, for the sake of completeness and continuity, with the reproduction of documents that appeared in the earlier *Decade*, the publication of additional pre-1950 documents, and the including of new materials. Certain international agreements to which the United States is not a party have been included where the effect of such agreements on American policy formulation is obvious.

Despite its size, which reflects the growth of American participation in international relations, the present collection makes a reasonably complete and being exhaustive. In many instances, it has provided brief print summaries of developments and of individual lengthy documents or to provide nothing more than the title of a document where its text may be found. While the general rule of chronological arrangement of the documents within each of the 20 Parts has been observed, it has been necessary in certain Parts to place documents under chronologically overlapping subject headings. This arrangement, coupled with a list of the documents, a list of cross-references, and an index, will facilitate use of the collection.

This collection was prepared in the Historical Division, Department of State, under the direction of the Division Chief, Mr. [Name obscured] and the assistance of the Division staff.

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Part X

GERMANY, AUSTRIA, AND EUROPEAN SECURITY

RELATIONS WITH THE GERMAN FEDERAL REPUBLIC, 1950-1955

ALLIED POLICY TOWARD GERMANY: Declaration Issued at London by the Foreign Ministers of the United States, the United Kingdom, and France, May 14, 1950 ¹

Following the London agreements of June 1948 ² and the Washington agreements of April 1949, ³ the United States of America, France and the United Kingdom replaced the military authority and the direct administration of the occupied territories in force since 1945 by a civilian regime simply of supervision. By virtue of this regime Germany was able to produce a constitution, ⁴ proceed to free elections, ⁵ form a parliament, ⁶ form a government, ⁷ and elect a federal president. ⁸ The Federal Government and the governments of the *Laender* were to take over the administration and control of internal German affairs.

Furthermore, by the agreement of April 13, 1949, ⁹ the Allies agreed to ease the burden of reparations on Germany. Some months later, under the Petersburg protocol ¹⁰ an agreement was reached for a settlement in regard to the delivery of plant by way of reparations. In the domain of foreign relations the Petersburg protocol made provision for the appointment of German consular and commercial representatives.

¹ Department of State *Bulletin*, May 22, 1950, pp. 787-788.

² Communiqué of June 7, 1948; *A Decade of American Foreign Policy*, pp. 31-32.

³ Agreements of Apr. 8, 1949; *ibid.*, pp. 585-590.

⁴ *The Bonn Constitution: Basic Law for the Federal Republic of Germany* (Department of State publication 2526; 1949).

representatives abroad. During the last few months taken by the Western powers to secure the accession of the Republic to a number of international organizations, the Organization for European Economic Cooperation.

The progress made has been accomplished in large measure due to the action and the influence of the three Allied powers, in whom the three Foreign Ministers are happy to place their full confidence.

2. The Allies are resolved to pursue their aims in accordance with the Washington agreement of April 1949, and reaffirm their intention that Germany shall reenter progressively the life of the peoples of Europe. When that situation has been reached, Germany would be liberated from controls to which she has been subjected, and accorded her sovereignty to the maximum extent compatible with the basis of the occupation regime. This regime is in place of the German Government and on the Allies by the consequences of the war, and of the international position. Until this situation is reached, it must be retained in accordance with the common interests of Germany and of Europe.

3. In view of the continued refusal of the Soviet Government to permit the inhabitants of their zone of occupation to join their fellow countrymen in a democratic and united Germany, it has been possible, and will not be as long as this Soviet attitude persists, to proceed to the conclusion of a treaty of peace with Germany. The Ministers accordingly agreed to set up a study group to undertake the necessary preparatory work to enable the Government to be reviewed at the appointed time and to make arrangements for eliminating the major practical inconveniences for the countries concerned from the state of war, on the basis of the present situation of Europe supreme authority in the hands of the allied powers.

4. While retaining the framework outlined above, the Allies intend to give Germany the possibility of developing freely, while safeguarding the possibility of peaceful reunification, which remains the ultimate object of their policy. The statements reaffirm the offers which were formulated during the meeting of the Council of Foreign Ministers last June,² and express the intention that the necessary conditions for the establishment of a democratic Government in all Germany may be achieved which would guarantee the respect for their laws and fundamental liberties and the independence upon the conditions which are necessary in the present situation.

The Western powers desire to see the pace of progress toward this as rapid as possible. Progress will depend upon the degree of prompt and frank cooperation displayed by the government and the people of the Federal Republic. In the first place the pace will be determined by the extent to which the Allies can be satisfied that German security is safeguarded by the development in Germany of a climate for peace and friendly association with themselves. In the second place the pace will be set by the rate at which Germany advances toward a condition in which true democracy governs and the liberties of the individual are assured. Therefore, the Western powers wish to emphasize most strongly that the natural desire of the German people to secure relaxation of controls and the restoration of the sovereignty of their country depends for its satisfaction upon the efforts of the German people themselves and of their government. They earnestly trust that the Federal Republic will live up to this respect the hopes placed in the wisdom of her people and leaders. Meanwhile, the High Commissioners in exercising the powers reserved to them will continue to place their main emphasis upon the essential elements of security and fundamental democratic principles of real importance.

ALLIED POLICY TOWARD GERMANY: Communiqué Issued at Washington by the Foreign Ministers of the United States, the United Kingdom, and France, September 19, 1950¹

The Foreign Ministers have reviewed the situation in Germany and Allied relations with the Federal Republic, in the light of developments since their last meeting in London in May 1950.² They have taken into account in their examination the views which have been expressed on recent occasions by the Government of the Federal Republic.

The Allies and their Governments share the desire of the German people for the unification of Germany on a basis which respects the fundamental liberties. Despite their efforts to achieve this end, it obviously cannot be realized so long as the Soviet Union continues to reject proposals for democratic all-German elections, and to stage controlled elections such as the one to be held in the Soviet zone on October 15. Pending the unification of Germany, the three governments consider the Government of the Federal Republic the only German Government freely and legitimately constituted and therefore entitled to speak for Germany as the representative

appears to them that the time has now come for the attainment of these aims.

In the spirit of the new relationship which exists with the Federal Republic, the three Governments, as soon as action can be taken in all three directions, with their respective constitutional requirements, will take the necessary steps in their domestic legislation to bring them into line with Germany.¹

This action will not affect the rights and interests of the German people in Germany, which rest upon other bases. It will provide a firmer foundation for the developing structural changes in German relationships and will remove disabilities to which the German people are subject. It is hoped that other nations will also take similar action in accordance with their own constitutional practices.

The three Ministers have given serious consideration to the problem of the security of the Federal Republic in its internal aspects. They recognize the fact that the German units have been created in the Soviet zone and that the fact together with recent events in Germany has given rise to a situation of great concern.

The Allied Governments consider that the German units have in addition to their occupation duties the task of acting as security forces for the protection of the free world, including the German Federal Republic, in the sectors of Berlin. To make this protection more effective, the Allied Governments will increase and reinforce their forces. They will treat any attack against the Federal Republic from any quarter as an attack upon themselves.

The Ministers are fully agreed that the creation of a national army would not serve the best interests of Europe. They also believe that this is the wish of the German people.

The Ministers have taken note however of the views expressed in Germany and elsewhere in favor of the creation of an integrated force for the defense of Europe. The questions raised by the problem of the participation of the Federal Republic in the common defense of Europe are the subject of study and exchange of views.

As regards internal security, the Foreign Ministers are fully agreed on the necessity for insuring that the German authorities are able to deal effectively with possible subversive activities. The Foreign Ministers have agreed to permit the creation of mobile police formations organized on a local basis which would enable the Federal Government to make effective use of all or part of its police forces to meet the exigencies of the present situation.

and the Allied Forces in Germany will render such assistance as may be feasible in the rapid establishment of this force.

A new phase in the relations between the Allies and the Federal Republic will be marked by major extensions of the authority of the Federal Government. To make this possible, the occupying powers are prepared to amend the Occupation Statute¹ while maintaining the legal basis of the occupation, and the Federal Republic will be required to undertake certain commitments and other actions consistent with its new responsibilities.

In the field of foreign affairs, the Federal Government will be authorized to establish a Ministry of Foreign Affairs and to enter into diplomatic relations with foreign countries in all suitable cases. In the economic fields, and particularly in relation to internal economic matters, reaching reductions will be made in existing controls, and the present system of review of German legislation will be modified. In such cases, the Allied powers will cease as soon as the Federal Government has given undertakings or taken suitable action. The High Commission will promptly begin discussions with the Federal Government to work out the necessary agreements for such undertakings.

The Foreign Ministers have also agreed that a review of the production and limited industries agreement² shall be undertaken in the context of the developing relationships with the Federal Republic. During this review the High Commission has been instructed to proceed forthwith with all restrictions on the size, speed, and number of commercial cargo ships built for export and to allow steel to be produced outside the present limitation where this will facilitate the economic effort of the west.

The three Governments pay tribute to the continued steadfastness of the people of Berlin in the valiant struggle of the city to preserve its freedom. They will continue to oppose aggression in any form against the people of the city, and are taking steps to strengthen their forces there. In view of the heavy price Berlin has had to pay to defend its freedom, the Governments will continue their efforts to alleviate its economic situation. They have directed the High Commission to review the statement of principles governing the relationship between the Allied Kommandatura and Berlin,³ and to liberalize Allied controls in the city to the maximum extent compatible with the security of the west.

These decisions mark an important stage in the normalization of German relations and should contribute toward the creation of an atmosphere of mutual confidence and understanding. They represent a significant advance toward the progressive return of Germany to partner-

3. REVISION OF THE CHARTER OF THE ALLIED MISSION FOR GERMANY: Agreement Between the United States, the United Kingdom, and France, March 6, 1949

The following modifications are hereby made to the Charter of the Allied High Commission for Germany signed in Paris on March 6, 1949,² which, as modified by this Instrument, shall have the force of law:

1. *Article I, paragraph 3*, is amended to read as follows:

- “(a) The stationing within Germany of forces of the Allied Powers outside of their respective zones of occupation shall be as agreed between appropriate High Commissioners and the respective Commanders-in-Chief. The forces of any Allied Nation participating in the defence of Germany shall be stationed and deployed within Germany for that purpose in such areas of a zone of occupation as shall be determined by the High Commissioner and the Commander-in-Chief of the zone of occupation concerned.
- (b) Command of the forces of the three Occupying Powers within their respective zones of occupation shall be vested in their respective Commanders-in-Chief, regardless of their location within the three zones of occupation. Operational control of all or part of any of the forces of any Occupying Power located in the zone of occupation of the other two Occupying Powers becomes operational control, together with necessary administrative arrangements, will be mutually agreed between the High Commissioners and the Commanders-in-Chief of the zones of occupation concerned.
- (c) Control of the related military establishments within Germany by the three Occupying Powers is vested in their respective Commanders-in-Chief regardless of their location within the three zones of occupation. Administrative arrangements for the forces of one Occupying Power when located in the zone of occupation of one of the other two Occupying Powers will be agreed between the High Commissioners and the Commanders-in-Chief of the two Occupying Powers concerned.
- (d) Command and administrative arrangements for the forces of any Allied Nation other than the three Occupying Powers stationed within Germany will be a matter for agreement between such Nation and the High Commissioner and the Commanders-in-Chief of the zones of occupation concerned.

2. *Article I, paragraph 4* is deleted.

3. *Article II, paragraph 1* is amended to read as follows:—

“The High Commission shall exercise control over the Federal Government and the Governments of its constituent Länder, as provided in the Occupation Statute. In the exercise of the powers reserved to the Occupation Authorities under said Statute, the High Commission shall reach its decisions in accordance with the provisions of Annex A hereof. These decisions shall constitute a joint exercise of the authority of all the three High Commissioners.”

4. *Article II, paragraph 3* is amended to read as follows:—

“The Headquarters of the High Commission shall be at the seat of the German Federal Government. The area defined as the Bonn Enclave will continue to constitute a special area directly under the administration of the High Commission and excluded from any individual zone of occupation.”

5. *Article III, paragraph 1*.—The introductory sentence is amended to read as follows:—

“The central organisation of the High Commission shall be tripartite in character and shall consist of: [&c.]”

6. *Article III, paragraph 1 (b)* is amended to read as follows:—

“such committees, including the Military Security Board, and such sub-committees and subordinate groups, with such membership and such terms of reference, as the Council may from time to time approve;”

7. *Article III, paragraph 2*.—The final sentence is amended to read as follows:—

“Decisions of the Council shall be reached in accordance with Annex A.”

8. *Article III, paragraph 3 and paragraph 4* are deleted.

9. *Article IV, paragraph 3 (a)* is amended to read as follows:—

“recommending repeal or annulment of legislation enacted by the Land Government where he considers such action appropriate under paragraph 5 of the Occupation Statute;”

10. *Article IV, paragraph 3 (b)* is amended to read as follows:—

“ensuring due compliance on the part of the Land Government with the Occupation Statute and with legislation and decisions of the Occupation Authorities thereunder;”

11. *Article V, paragraph 3* is amended to read as follows:—

“Each High Commissioner shall be individually responsible to the

oil for control of his approved budget in accordance with standards and procedures established by the Council."

12. *Article VIII* is amended to read as follows:—

"Foreign diplomatic representatives accredited to the Government, together with any foreign representatives attached to the Allied High Commission, shall have access to the procedures determined by the Council."

13. *Article IX* is deleted.

14. In the Charter of the Allied High Commission for Germany, as revised by this Instrument, the expression "Occupation Authorities" shall, where the context requires, mean the Occupation Authorities from time to time modified by the Council of the Allied High Commission.

15. The "Agreement as to Tripartite Controls" among the Powers dated 8th April, 1949,¹ previously attached to and forming part of the Charter as Annex A, is terminated.

In the Charter as revised by this Instrument of Revision the expression "Annex A" shall mean the Annex A attached to the Instrument of Revision.

In witness whereof the foregoing agreement has been duly signed by the respective representatives thereunto duly authorised by the Governments of the Republic of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America in triplicate in the French and English languages, each text being equally authentic, and shall come into effect on the 7th day of March, 1951.

Done in London on the 6th day of March, 1951.

ANNEX A

1. In the exercise of the powers reserved to the Occupation Authorities to approve amendments to the Basic Law, the decisions of the Allied High Commission shall require unanimous agreement.

2. In cases in which the exercise of, or failure to exercise, the powers reserved under paragraph 2 (g) of the Occupation Statute would create the need for assistance from United States Government appropriated funds, there shall be a system of weighted voting. Under this system the representatives of the Occupation Authorities shall vote with a voting strength proportionate to the funds made available to them by their respective Governments. No action taken hereunder shall be contrary to any intergovernmental agreement among

and (b) of the Occupation Statute may not be modified by a majority decision of the Allied High Commission.

If a High Commissioner considers that a decision taken by a majority vote conflicts with an intergovernmental agreement which relates to any of the subjects listed in paragraph 2 (a) and (b) of the Occupation Statute, or with basic tripartite policy, he may appeal to the Government. Such appeal shall serve to suspend action for a period of thirty days and for such further period of suspension as any of the Governments agree. If such appeal is from a decision of the Allied High Commission to repeal or annul German legislation, the appeal or annulment shall not become effective until the expiry of the appeal period.

REVISION OF THE OCCUPATION STATUTE: Proclamation by the Allied High Commission, March 6, 1951¹

The Council of the Allied High Commission hereby promulgates the following modifications of the Occupation Statute which except as amended by this Instrument continues in force:

In paragraph 2 (b), after the words "nondiscrimination in trade relations," insert the following:

to the extent required for the purposes of paragraph (g) (2) below:

Paragraph 2 (c) is amended to read as follows:

foreign affairs, including international agreements made by or on behalf of Germany; but the powers reserved in this field will be exercised so as to permit the Federal Republic to conduct relations with foreign countries to the full extent compatible with the requirements of security, other reserved powers, and obligations of the Occupying Powers relating to Germany.

Paragraph 2 (g) is amended to read as follows:

control over foreign trade and exchange to the extent necessary:

- (a) to meet the needs of security;
- (b) to ensure the observance by the Federal Republic of the principles of the Bretton Woods Agreement on Tariffs and Trade,² until the Federal Republic has become a party to the Agreement and assumed the obligations thereunder;
- (c) to ensure the observance by the Federal Republic of the principles and provisions of the International Monetary Fund Agreement and to control its exchange rate, until the Federal Republic has become a member of the Fund and assumed satisfactory obligations thereunder with respect to its exchange rate;
- (d) to provide for orderly settlement of claims against Germany.

Paragraph 2 (h) is deleted.

Paragraph 5 is amended to read as follows:

after its official receipt by the occupation authorities unless previously by them, provisionally or finally. Land constitutions, amendments, all other federal or land legislation will be effective without review by the occupation authorities but will be subject to repeal or annulment by them.

(b) The occupation authorities will not disapprove any agreement between the Federal Republic and a friendly country or repeal or annul legislation in their opinion it is inconsistent with the provisions of the Occupation Statute revised or with legislation or other measures of the occupation authorities which constitutes a grave threat to the basic purposes of the Occupation.

VI. Paragraph 7 is amended to read as follows:

(a) Insofar as it is based upon reserved powers, occupation legislation will remain in force until repealed or amended by the occupation authorities.

(b) All other occupation legislation will remain in force until repealed or amended by the German authorities upon authorization of the occupation authorities.

VII. This Instrument shall become effective March 7,

5. REVISION OF OCCUPATION CONTROLS: Decision of the Allied High Commission, March 6, 1951

In implementation of the decisions taken by the Foreign Ministers of the United States, the United Kingdom and France at the London Conference and the New York Meeting on 18 September, 1950,² the Council of the Allied High Commission, having this day promulgated the "First Amendment to the Occupation Statute,"³ has decided to implement the following program for further relaxation of controls provided for in the Occupation Statute:

1. The powers reserved by paragraph 2 (b) relating to the concentration of the population will be exercised only to ensure completion of programs relating to the steel, coal and motion picture industries, the Farben and the Grossbanken and actions which, as of December 1, 1950, are called for under laws adopted by the Allied High Commission or have been initiated through legal process under existing laws. Upon completion of such programs and actions, the powers will be relinquished.

2. (a) The powers reserved by paragraph 2 (b) relating to the concentration of the population will be relinquished upon the enactment by the Federal Republic of legislation satisfactory to the occupation authorities including provisions to prevent new concentrations of the population.

admission, care, and protection of displaced persons and including safeguarding their civil rights, assuring the continued effective operation of International and allied agencies established for their care and resettlement, and compensating victims of Nazi persecution.

The powers reserved by paragraph 2 (f) relating to respect for basic law and the land constitutions will be relinquished as soon as the Federal Republic has established a judicial authority deemed by the occupation authorities to be capable of effectively upholding civil rights of the individual as defined in the basic law.

The occupation authorities will retain the powers necessary to ensure that the Federal Government carries out commitments under treaties and legislation enacted pursuant to paragraph 2 above and that essential features of such legislation are maintained.

The Council of the Allied High Commission will issue further amendments of revision of the Occupation Statute from time to time under conditions prescribed by this decision for the relinquishment of powers as are fulfilled.

This decision shall become effective on March 7, 1951.

COMPETENCE OF THE FEDERAL GOVERNMENT IN FOREIGN AFFAIRS: Decision No. 11 of the Allied High Commission, March 6, 1951¹

exercise of the powers reserved by paragraph 2 (c) of the Occupation Statute² as amended by the first instrument of revision,³ the Council of the Allied High Commission decides as follows:

Article I

The Federal Government is hereby authorized to establish a Ministry of Foreign Affairs and shall have exclusive responsibility for the choice of the personnel of its diplomatic, consular and trade missions.⁴

Article II

The Federal Government may conduct relations with foreign countries subject to the provisions of this decision.

Article III

The establishment of diplomatic or consular relations or trade missions shall be subject to the prior approval of the Allied High Commission.

The Federal Government may, however, establish without such approval

3. No prior approval will be required for the establishment or trade missions in those countries with which the Federal Government maintains diplomatic or consular relations.

Article IV

The Federal Government is hereby authorized to appoint trade missions to the capitals of the United States of America, France and the

Article V

The accreditation and status of foreign missions in the Federal Republic will be governed by the following provisions.

(i) Diplomatic missions and consular offices established in the Federal Republic will normally be accredited to and recognized by the Allied High Commission. In exceptional circumstances they may be accredited by the Allied High Commission. In no case will there be a delegation of missions to the Allied High Commission and to the Federal Government of exequaturs to consuls by both the Federal Government and the Allied High Commission.

(ii) The accreditation of foreign missions to the Federal Republic will be notified to the Allied High Commission and they will thereupon be recognized in all matters relating to the fields reserved to the occupying

Article VI

The Federal and Land Governments shall keep the Allied High Commission informed of any international negotiations. The Allied High Commission shall not intervene in negotiations relating to the fields reserved to the Federal authorities.

Article VII

The Federal Government shall furnish to the Allied High Commission appropriate information regarding action taken pursuant to this decision.

Article VIII

This decision shall become effective on March 7, 1951.

7. INCLUSION OF GERMANY IN THE EUROPEAN COMMUNITY: Declaration Issued at Washington by the Foreign Ministers of the United States, the United Kingdom, and France, March 14, 1951¹

The three Foreign Ministers declare that their objective is the inclusion of a democratic Germany, on a basis of equality, in a Continental European Community, which is to be a part of a constantly developing Atlantic Community.

The three Ministers recognize that the initiative for the creation of a European Community is being taken by the French Government concerning the creation of

Plan as a very important contribution to the effective Defense of Europe, including Germany.

The participation of Germany in the common defense should fully be attended by the replacement of the present Occupation Regime by a new relationship between the three Governments and the German Federal Republic.

The Government of the United Kingdom desires to establish the closest possible association with the European continental community in all stages in its development.

The three Ministers reaffirm that this policy, which will be undertaken in concert with the other free nations, is directed to the establishment and the maintenance of a durable peace founded on justice and law. Their aim is to reinforce the security and the prosperity of Europe without changing in any way the purely defensive character of the North Atlantic Treaty Organization. They reaffirm their determination that in no circumstances shall the above arrangements be made use of in furtherance of any aggressive action.

ALLIED POLICY TOWARD GERMANY: Communiqué by the Foreign Ministers of the United States, the United Kingdom, and France, September 14, 1951 ¹

The Foreign Ministers of France, the United Kingdom and the United States have held meetings in Washington from September 10 to September 14. The three Foreign Ministers have met frequently in the last few years primarily because of the special and great responsibilities of their Governments in regard to Germany and Austria. The meetings equally offer a convenient opportunity for the three Ministers to exchange views on world developments and informally to review problems of mutual concern to their three countries.

The Foreign Ministers have noted with satisfaction the results achieved by their three countries, together with other free nations of the world, in order to insure their common security and to safeguard the peace. They again recorded the fundamental character of the policies of their three governments in regard to the many acute problems facing them today.

The Foreign Ministers have reviewed the relationship of their countries to the German Federal Republic, and have agreed on recommendations to the Allied High Commission for negotiation of mutually acceptable agreements with the Federal Government, the

between the three Powers and the Federal Republic on contractual basis as possible, in the light of German part in Western Defense. The Foreign Ministers have now the High Commission to proceed to negotiations with the Government, which will, it is hoped, culminate in early between the four Governments to enter into effect to the agreement for German participation in Western Defense the proposed European Defense Community, whose forces form part of the joint defense forces under the North Atlantic Command.

The Foreign Ministers have agreed on certain general principles to guide the High Commission in its negotiations with the Government. As stated in the Tripartite Declaration of 1948, day¹ the guiding principle of their policy continues to be the integration of the Federal Republic on a basis of equality in the European community itself included in a developing Atlantic community. Such integration would thus be inconsistent with the intention in future of an occupation status or of the power to intervene in the Federal Republic's domestic affairs.

The Ministers believe that the agreements now to be reached by the Federal Government should provide the basis for its relations to their countries until a peace settlement with a unified Germany becomes possible. The division of Germany, however, precludes the conclusion of such a settlement at this time. This division of Germany is a security problem confronting the Federal Republic obliging it to retain, in the common interest, certain special rights in relation to the stationing of armed forces in Germany and the protection of the security of those forces, as well as to questions relating to Berlin and Germany as a whole, including the eventual peace settlement and the peaceful reunification of Germany.

The High Commission will proceed to negotiations with the Government as rapidly as possible. The Ministers hope to consider at an early meeting final drafts both of the agreement to be reached by the three Powers and the Federal Republic and the agreement for the establishment of a European Defense Community including Germany.³

The three Foreign Ministers were unanimous in stating their view of their Governments there is no justification for any delay in the conclusion of a treaty for the re-establishment of Austria and independent Austria. This has been the constant aim of the conclusion of hostilities. They will not desist in their efforts to bring the Soviet Government to the same view and to that end have decided to make a new and resolute effort in the meeting of the High Commission in Berlin on 10th April 1955.

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some provisions of the Italian peace treaty¹ and the present position in the family of free nations. The Ministers studied pathetically this question which will be the subject of further conversations between the Governments.

Note was taken of the necessity further to examine in collaboration with the other members of the North Atlantic Treaty Organization the most effective use of their combined resources taking full account of the social and economic as well as of the military needs of the peoples.

While recognizing the gravity of the world situation, especially in the face of the continued defiance of the United Nations by the aggressors, of aggression in Korea, the Ministers nevertheless found solid grounds for confidence in the growing strength and unity of the free world.

The three Ministers on behalf of their Governments and peoples restate their fidelity to the principle contained in the United Nations Charter that international differences must be resolved by peaceful processes and not by force or threat of force. They thus express the hope that the forthcoming meeting of the General Assembly of the United Nations in Paris² will afford a real opportunity for contacts and exchanges of views which the three Foreign Ministers are, for their part, prepared fully to use.

9. TERMINATION OF THE STATE OF WAR BETWEEN THE UNITED STATES AND GERMANY: Proclamation by the President, October 24, 1951³

WHEREAS, by a joint resolution, approved by the President on December 11, 1941, the Congress of the United States formally declared a state of war to exist between the United States and the Government of Germany (55 Stat. 796); and

WHEREAS on December 31, 1946, the President proclaimed the cessation of hostilities of World War II;⁴ and

WHEREAS it has been and continues to be the policy of the United States to bring about the conclusion of a treaty of peace with the government of a united and free Germany, but efforts to this end have been frustrated and made impossible for the time being by the policy of the Soviet Government; and

WHEREAS it has nevertheless been considered desirable to terminate the existing state of war with Germany to a close and to remove Germany from its present enemy status, thus eliminating the disabilities affecting German nationals; and

have become entitled as a result of the war, as well as to exercise or enforce the same, derive from the conquest of and the assumption of supreme authority by the Allies and affected by the termination of the state of war; and

WHEREAS the Congress of the United States by a joint resolution approved October 19, 1951 (Public Law 181, 82d Cong.) resolved that the state of war declared to exist between the United States and the Government of Germany is terminated and the termination shall take effect on the date of enactment of this resolution:

Now, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, pursuant to such joint resolution, do hereby claim that the state of war between the United States and the Government of Germany declared by the joint resolution of the Congress approved December 11, 1941 was terminated on October 19, 1951.

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of the United States of America to be affixed.

10. RELATIONS BETWEEN THE GERMAN FEDERAL REPUBLIC AND THE ALLIES: Statement to the Press by the Ministers of the United States, the United Kingdom, and the Chancellor and Foreign Minister of the German Federal Republic, November 22, 1951²

The Foreign Ministers of France, the United Kingdom, the United States met today with Dr. Adenauer.

This meeting, the first occasion on which the Chancellor and the Foreign Minister of the German Federal Republic had conferred with the foreign ministers of the three Western Powers, marked in itself a notable advance in the progressive association of the German Federal Republic with the West on the basis of equality. All participants welcomed the opportunity given for a review of a problem of mutual concern.

In the course of the conversation, which dealt with the political situation of the Federal Republic in connection with the present world situation, the four foreign ministers reviewed the progress so far made in the negotiations carried on in Bonn for the establishment by freely negotiated agreements of a new basis for a relationship between their countries.

In particular they examined the draft of a general agree-

red to below and the treaty establishing a European defense community.¹

certain outstanding points in the general agreement were settled subject to final confirmation by their Governments, the ministers approved the draft of this agreement. It will not be signed or signed at present, since the four Governments agree that it must be completed by a number of related conventions governing in more or less other important matters arising out of the future relationship between them. The ministers agreed on the need for rapid progress toward the completion of all these related conventions.

The general agreement will be a concisive step toward the realization of the common aim of the three Western Powers and the Federal Government to integrate the Federal Republic on a basis of equality with the European community itself included in a developing Atlantic community.

With the coming into force of the general agreement and the related convention,² the Occupation Statute with its powers of intervention in the domestic affairs of the Federal Republic will be revoked, and the Allied High Commission and the Offices of the Land Commissioners will be abolished. The three powers will retain only such special rights as cannot now be renounced because of the special international situation of Germany, and which it is in the common interest of the four states to retain. These rights relate to the armaments and the security of the forces in Germany to Berlin and to questions concerning Germany as a whole.

The mission of the forces stationed in Germany by the three powers will be the defense of the free world, of which the Federal Republic and Berlin form part. Their status will be settled in detail in one of the related conventions.³ Any disputes rising from the interpretation or application of the general agreement or the related conventions—the exception of certain special rights—will be settled by a court of arbitration.

The Federal Republic will undertake to conduct its policy in accordance with the principles set forth in the Charter of the United Nations and with the aims defined in the Statute of the Council of Europe.⁴

The four ministers are agreed that an essential aim of the common policy of their Governments is a peace settlement for the whole of Europe, to be freely negotiated between Germany and her former enemies, and which should lay the foundation for a lasting peace. They further agreed that the final settlement of the boundaries of Germany await a peace settlement.

They reaffirmed their intention to strive for the establishment of

ascertain whether free elections can be held simultaneously in the Federal Republic, Berlin, and the Soviet zone of Germany.

The four foreign ministers consider the contractual arrangements to be concluded between their Governments as well as the steps for the creation of an integrated European community as essential steps to the achievement of their common aim: A unified Germany integrated within the Western European community.

11. COMMUNIQUÉ BY THE FOREIGN MINISTERS OF THE UNITED STATES, THE UNITED KINGDOM, AND FRANCE AND THE CHANCELLOR OF THE GERMAN FEDERAL REPUBLIC, FEBRUARY 19, 1952¹

The Foreign Ministers of the United States, France and the United Kingdom and the Chancellor of the German Federal Republic met in discussions in the Foreign Office on the 18th and 19th of February. They reviewed the position reached in the parallel negotiations in Paris and in Bonn, now approaching a successful conclusion, for the establishment of the European defense community² and for the creation of a new relationship between the three Western powers and the Federal Republic of Germany based on a series of negotiated conventions.³

The Foreign Ministers and the Chancellor are well pleased with the results of their work. They reached agreement on outstanding issues arising from the negotiations in Bonn. The question of Germany's financial contribution to European defense is dealt with below.

On the difficult problem concerning the future regulation of arms production in the interests of Western defense of arms production by the states of the European defense community they have reached certain conclusions and provided for a series of meetings which are confident will produce speedy results.

They reached agreement on methods for dealing with the question of war criminals now detained in the Federal Republic.

They reviewed the report made by the Executive Bureau of the Temporary Council Committee of the North Atlantic Treaty Organization on the financial contribution of the Federal Republic to Western defense. The ministers agreed that this report, which reached them on the 16th of February, should be published tonight.⁴ They expressed every prospect that an agreed decision on the total financial

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the distribution of the Federal Republic's contribution, will proceed at once in Bonn between representatives of the German Federal Republic and of the three powers.

The four ministers welcome the progress made towards the conclusion of the treaty for the establishment of the European defense community which will provide a solid foundation for the agreement to be concluded between the three Western powers and the Federal Republic of Germany. This treaty and the agreements will constitute a single structure designed to bring about the association of the Federal Republic with the free world and to solidify the defense of Western Europe.

The four ministers discussed the relationship between the European defense community and the North Atlantic Treaty Organization and agreed on certain recommendations which will be made by the three foreign ministers to the NATO Council for settling this question.

It will be the concern of the four governments, together with other interested governments, to ensure the preservation and progressive strengthening of the European defense community which as a part of the wider Atlantic community, creates a partnership for peace.

The four ministers are agreed that continuing efforts should be made to accomplish the unification of Germany through democratic and peaceful means.

The four ministers are convinced that their meeting has removed the obstacles which have hitherto delayed the conclusion of negotiations and has thus marked a decisive advance in the cause of peace.

12. THE BONN AGREEMENTS: Statement by the Secretary of State, May 26, 1952 ²

The agreements that have been signed today ³ are of great importance for each of the four countries represented here. The Federal Republic is attaining the independence in foreign affairs and authority in domestic matters which befit a free state. The United Kingdom, France, and the United States, together with the other free nations, are welcoming a new partner in their great effort to establish peace and security in the world.

Let us take a moment to examine what these agreements mean and what they are intended to accomplish.

The relations which follow from these agreements are fundamental, such as exist between countries closely associated in peace and friendship.

other governments on a normal basis. The U.S. Govt. is convinced that the agreements are just because problems about the war must be settled, and it is right to settle them in this way. The purpose of the agreements is to bring the Occupation to a normal basis and this will be their effect.

There are still certain powers reserved to the United Kingdom, France, and the United States. But the important thing to remember about these powers is that they are not retained for any reason that has to do with the Federal Republic alone. They are related to other factors entirely—to the necessity for the presence in Germany of troops whose mission is the defense of German peace and order and of peace and freedom throughout the free world, and to the unhappy fact that Germany is still a divided country. When conditions no longer exist, the powers retained to deal with the situation will be withdrawn.

It is a matter of great regret and concern to the American Government that the task of restoring Germany as a whole is not yet complete. I feel deeply the absence on this occasion of those who represented the people of that part of Germany which is under Soviet occupation. It would have been a more joyful occasion if they had been permitted to join us.

One of the great aims of the Western World, one of the great values of its culture, and one of the great achievements of its people is freedom. Political and social freedom of the individual, freedom of his conscience and speech, have been what the West holds dear. Since the end of the war the Three Powers have consistently worked to establish freedom throughout Germany, and their efforts have been met with invaluable cooperation on the part of the German people in Western Germany and Berlin. Together, we have succeeded in bringing freedom to the greater part of Germany, but until it can be extended to the entire country, and until all Germans in East and West—are reunited in freedom, the goal will not be reached.

I can assure you of my Government's continued determination to press steadily toward this goal until the unity of Germany has become a reality.

In anticipation of the day when these agreements will be accepted by the legislative bodies of our countries and will take effect, I wish to congratulate the Federal Republic on its status among nations of the world. We have difficult problems before us, but we can solve them only by working together. We are glad to have the Federal Republic as a new partner in this great cause. On behalf of the President of the United States and the American people, I welcome the Federal Republic on its return to the community of nations.

3. GERMAN-AMERICAN RELATIONS: Communiqué by the President of the United States and the Chancellor of the Federal Republic, April 9, 1953 ¹

The President of the United States, the Secretary of State, and other members of the Cabinet have met during the past 3 days with the Chancellor of the Federal Republic of Germany and had a full and frank exchange of views on the world situation in general and German-American relations in particular. The conversations took place in a spirit of friendship and cooperation and revealed a far-reaching identity of views and objectives.

The President and the Chancellor discussed the effects which recent developments in the Soviet orbit ² might have on the East-West conflict. They were fully agreed that, while no opportunity should be missed to bring about a general relaxation of tension, the free nations of the West must not relax their vigilance nor diminish their efforts to increase their unity and common strength. They were further agreed that if the Soviet rulers are genuinely desirous of peace and cooperation among all nations, they could furnish no better proof of their good will than by permitting genuinely free elections in the Soviet-occupied Zone of Germany and by releasing the hundreds of thousands of German civilian deportees and war prisoners still in Soviet hands. They further stated their joint conviction that there can be no lasting solution of the German problem short of a reunification of Germany by peaceful means and on a free and democratic basis. The achievement of this purpose calls for sustained common efforts of the signatory powers to the contractual agreements signed at Bonn last year. ³

There was unanimity of conviction that all concerned should press forward unwaveringly toward European unity through early ratification of the treaty establishing a European Defense Community. Achievement of this goal will be accompanied by the establishment of German independence and sovereignty under the contractual agreements. The Chancellor declared that the Federal Republic of Germany is ready and willing to cooperate on a basis of equality and partnership with all the free nations of the West in strengthening the defenses of the free world. The Chancellor was given assurance that the United States would supply military equipment to the European Defense Community to assist in equipping the German contingent once the treaty has been ratified.

The problem of the Saar was discussed and it was agreed that a preliminary agreement should be sought in the common interest. ⁵

¹ Department of State *Bulletin*, Apr. 20, 1953, pp. 565-566.

Consideration was given to the special situation of Berlin. The U.S. representative expressed admiration for the political firmness and courage of the German Government and its inhabitants. It was agreed that the moral and material support to keep the city strong is a matter of primary importance. The U.S. representative indicated that he had in mind further measures to increase production and reduce unemployment. The German representative stated that consideration was now being given to assistance by the U.S. Government to investment and other programs to improve economic conditions in Berlin.¹

The Chancellor indicated the great difficulties facing the Federal Republic because of the necessity to assimilate not only the displaced persons but also of expellees who came earlier from eastern areas but the refugees from the Soviet Zone and beyond. The U.S. Secretary of State recognized the great efforts undertaken by the Federal Republic to care for these homeless persons and to maintain economic and social stability. The discussion took account of the possibility that the Federal Republic and Berlin might be required to bear this burden alone. The Director for Mutual Security stated that careful consideration of this matter would be given in connection with the preparation of the Mutual Security Program for the year beginning July 1, 1953.²

The Chancellor raised the problem of war criminals. The U.S. representative stated that the war criminals now in U.S. custody was discussed. The German representative stated that his Government would reconsider the status of these prisoners and would also look forward to the adoption of new review procedures with German participation as soon as German ratification of the treaties was completed.

The representatives of both Governments exchanged views concerning progress toward the freeing and expansion of world trade and the achievement of currency convertibility. The German representative expressed particular interest in the reduction of tariff and customs administrative barriers. For their part, the U.S. representatives noted President Eisenhower's statement of April 7 that the U.S. must achieve an expanding trade, balanced at high level, to permit each nation to make its full contribution to the growth of the free world's economy and to share fully the benefits of progress.³

Representatives of the two Governments discussed a number of specific problems connected with the normalization of relations between the United States and Germany, in

¹ See the summary of Feb. 13, 1953, by the Mutual Security Administration, a study of the Berlin economy made for the MSA by Richardson Wright, U.S. Representative (Department of State *Bulletin*, Mar. 2, 1953, pp. 328-329).

ects for increased use by German exporters of the trademarks by German nationals prior to World War II. It was noted that considerable progress had already been achieved in making such marks available to former German owners and that future progress in that direction was being sympathetically studied by the United States.

The Chancellor and the Secretary of State agreed that the conclusion of a new treaty of friendship, commerce, and navigation between the United States and the Federal Republic¹ would be of benefit to both countries and that negotiations for such a treaty should begin at an early date. Meanwhile, as an interim measure, the two Governments are negotiating an agreement² to restore to force the 1923 treaty of friendship, commerce, and consular rights³ as it stood prior to the war, taking into account the requirements of the present situation. This interim agreement, when ratified in both countries, will, among other things, re-establish a basis on which businessmen in each country would be able to reside and carry on business in the

The German representatives indicated their interest in the placing of shore procurement contracts in Germany. They were informed that as soon as the contractual and European Defense Community treaties have entered into force, the same criteria will be applied in the placing of such contracts in Germany, within the framework of the European Defense Community, as are applied with respect to the placing of contracts in other European countries.

In order to foster closer cultural cooperation between Germany and the United States and promote mutual understanding between their peoples, an exchange of notes is taking place.⁴

The two Governments reaffirmed their common interest in controlling together with other nations of the free world, the movement of strategic materials to nations whose policies jeopardize the peace and stability of the free world. Both Governments undertook to continue to that end, and, in particular, to keep under constant review the list of items which from time to time may be subject to embargo against Communist China. The representatives of the Federal Republic expressed their Government's intention, in cooperation with other land and maritime nations, to apply supplementary measures, such as transshipment controls, against violations or evasions of existing strategic controls.

Announcement is being made simultaneously in the two capitals of the return to the Federal Republic of approximately 350 vessels formerly of German ownership.⁵ Arrangements for their transfer to

The President and the Chancellor are convinced that the negotiations just concluded have made a solid contribution to the achievement of common goals of the two countries, in strengthening of friendship now happily re-established and in consolidation and strength of the free world.

14. RESTORATION OF GERMAN SOVEREIGNTY: Statement of the President of the United States and the Chancellor of the Federal Republic of Germany, July 30, 1952, and Joint Resolution No. 295 (83d Congress, 2d Session), July 30, 1952

Whereas a convention on relations between the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the French Republic, therein referred to as the "Three Big Powers," and the Federal Republic of Germany, was signed on May 23, 1952, with a view to restoring sovereignty to the Federal Republic of Germany; and

Whereas the Senate of the United States gave its advice and consent to ratification of said convention on July 1, 1952; and

Whereas, nevertheless, it has not proved practical as yet to bring the Convention into force in accordance with its provisions; therefore, be it

Resolved, That it is the sense of the Senate that the President should judge that future developments make this desirable in the national interest, should take such steps as he deems appropriate, as are consistent with United States constitutional processes, to restore sovereignty to Germany and to enable her to contribute to the maintenance of international peace and security.

[For the texts of the London and Paris Agreements of October 23, 1954, see *supra*, pp. 1474-1491, 483-612, 871-873, and 972-973.]

15. GERMAN-AMERICAN RELATIONS: Statement of the President of the United States and the Chancellor of the Federal Republic of Germany, October 28, 1954³

I

During this morning's conversations we took an opportunity to renew the spirit of friendship and confidence which has marked our relationship in the past, especially in our efforts to overcome the serious situation which faced us during the past few months. We reviewed the decisions taken at London⁴ and Paris⁵ and

³ U. S. Rep. 1001, 83d Cong., 2d sess.

convinced that with the coming into effect of the Agreements signed this past weekend, the road towards a strong and united Europe will have been paved. We view the understanding reached between the Governments of France and the Federal Republic of Germany as an especially encouraging step towards lasting peace in Continental Europe. This understanding was greatly furthered by the commitment on the part of the United Kingdom to maintain forces on the Continent.¹ The basis for a European community has thus been established.

The continued interest in and support of this community by the United States was reiterated.² Together with the strengthened North Atlantic Treaty Organization, now to include the Federal Republic of Germany, these new agreements will, we are convinced, serve to reinforce the defense system of the free world.

II

We particularly addressed ourselves to the question of German reunification. The demand for a reunited Germany in freedom is viewed by us as the legitimate demand of the German people. We are agreed that this aim shall be achieved only by peaceful means. We are convinced of the necessity of continued efforts towards this goal and are agreed that such efforts will be made by the United States and the Federal Republic of Germany together with the Governments of the United Kingdom and France.

In this connection, we exchanged views on the latest Soviet note. It is our initial view that this does not seem to offer any new proposals on the part of the Soviet Union; it appears essentially as a reiteration of the positions taken by Mr. Molotov at the Conference in Berlin regarding Germany and European security.⁴

We have no doubt that the strengthening of free Europe which will result from the recent London and Paris Agreements will aid our efforts to bring freedom and unity to all of the German people.

III

We discussed the unfortunate fact that large numbers of German prisoners of war and civilian deportees are still held in custody in areas behind the Iron Curtain, mainly the Soviet Union. The Chancellor requested the continued assistance of the United States in obtaining the release of these prisoners. This question has for some time been the subject of investigation by a United Nations Commission.⁵ The Chancellor was assured that the United States

stands ready, now as in the past, to offer every support and assistance considered useful in accomplishing this end.

IV

We also discussed the question of German assets in the United States. The President expressed sympathy for the project by the Chancellor in his letter of July 17, 1954, to him¹ and again expressed his willingness to explore such matters along with the question of American war claims. We expect that conversations between representatives of our two Governments will soon begin.

16. TERMINATION OF THE OCCUPATION REGIME in Germany by the Allied High Commission, May 5, 1955

WHEREAS a new relationship between the French Republic, the United States of America, and the United Kingdom of Great Britain and Northern Ireland, on the one hand, and the Federal Republic of Germany, on the other, has been established by the Cooperation and Relations between the Three Powers and the Federal Republic of Germany and the Related Conventions which were signed at Paris on 26 May 1952, were amended by the Protocol on the Termination of the Occupation Regime in the Federal Republic of Germany signed at Paris on 23 October 1954,³ and enter into force today,

NOW THEREFORE, We,

André François-Poncet, French High Commissioner for Germany,
James B. Conant, United States High Commissioner for Germany,
Frederick Robert Hoyer Millar, United Kingdom High Commissioner for Germany,

Acting on behalf of, and duly authorized by, our Governments,

DO HEREBY JOINTLY PROCLAIM:

THAT the Occupation Statute⁴ is revoked; and

THAT the Allied High Commission and the Offices of the Allied High Commissioners in the Federal Republic are abolished.

This Proclamation shall take effect at noon on the 5th day of May 1955.

Done at BONN, Mehlem, this 5th day of May 1955

¹ Department of State *Bulletin*, Aug. 23, 1954, p. 270.

² *Ibid.*, May 16, 1955, p. 791; see also *ibid.*, pp. 791-795.

³ S. Execs. Q and R, 82d Cong., 2d sess., pp. 9-22, and *supra*, pp. 1717-1718.

⁴ Statute of Apr. 8, 1949 (*A Decade of American Foreign Policy*, 1959, pp. 1717-1718).

UNITED STATES AUTHORITY AND FUNCTIONS IN GERMANY: Executive Order No. 10608, May 5, 1955¹

virtue of the authority vested in me by the Constitution and the laws, including the Foreign Service Act of 1946 (60 Stat. 999), as amended, and as President of the United States and Commander in Chief of the armed forces of the United States, it is ordered as follows:

Executive Order No. 10062 of June 6, 1949,² and Executive Order No. 10144 of July 21, 1950,³ amending that order, are hereby rescinded, and the position of United States High Commissioner for Germany, established by that order, is hereby abolished.

The chief of the United States Diplomatic Mission to the Federal Republic of Germany, hereinafter referred to as the Chief of Mission, shall have supreme authority, except as otherwise provided herein, with respect to all responsibilities, duties, and governmental functions of the United States in all Germany. The Chief of Mission shall exercise his authority under the supervision of the Secretary of State and subject to ultimate direction by the President.

The United States Military Commander having area responsibility in Germany, hereinafter referred to as the Commander, shall exercise authority with respect to all military responsibilities, duties, and functions of the United States in all Germany, including the command, control, and stationing of United States forces in Germany, the protection and exercise of their rights and discharge of their obligations, and emergency measures which he may consider essential for the protection or the accomplishment of his mission. The Commander may delegate the authority conferred upon him. If action by the Commander or any representative of the Commander, pursuant to the authority herein conferred, affects the foreign policy of the United States or involves relations or negotiations with non-military authorities, such action shall be taken only after consultation and agreement by the Chief of Mission or pursuant to procedures previously agreed to between the Chief of Mission and the Commander or his representative. Either the Chief of Mission or the Commander may raise with the other any question which he believes requires such consultation. If agreement is not reached between them, any difference may be referred to the Department of State and the Department of Defense for resolution.

The Chief of Mission and the Commander or his designated representatives shall, to the fullest extent consistent with their respective missions, render assistance and support to each other in carrying out the agreements and policies of the United States.

With regard to the custody, care, and execution of sentences and

the four-power responsibility in the case of persons convicted by the International Military Tribunal, (B) the Chief of Mission shall exercise responsibility in the case of persons convicted by military tribunals established by the United States Military Government pursuant to Control Council Law No. 10,¹ and (C) the Commander shall exercise responsibility in the case of persons convicted by military tribunals established by United States Military Government in Germany and elsewhere. The Commander shall, on the advice of the Chief of Mission, take necessary measures for carrying out any sentences adjudged against such persons in categories (A) and (B) in whom the Chief of Mission has responsibility and control. The transfer of custody of persons in categories (B) and (C) to the Federal Government of Germany as provided in the Convention on the Subject of the Matters Arising out of the War and Occupation² shall not diminish the responsibility of the Chief of Mission and the Commander with respect to such persons to the extent that the responsibility of the United States for them is thereupon terminated pursuant to the provisions of the said Convention.

6. If major differences arise over matters affecting the interests of the United States Forces in Germany, such differences may be referred to the Joint Chiefs of Staff, the Department of State and the Department of Defense for resolution.

7. This order shall become effective on the date that the Convention on Relations between the Three Powers and the Federal Republic of Germany³ and related Conventions, as amended, come into force.

18. GERMAN-AMERICAN RELATIONS: Statement by the President of the United States and the Chancellor of the German Federal Republic, June 14, 1955⁴

The President, the Chancellor, the Secretary of State and their advisers met this morning and discussed the problems of their two nations. They reviewed the political developments that have taken place since the Chancellor's last visit⁵ and expressed their satisfaction that the bonds of friendship between their two nations have become very close. They are of the opinion that the remarkable developments in Europe are the result of the consistent policies followed by the United States, the Federal Republic of Germany and their allies.

A large part of their discussion was devoted to the problems of the nations of the free world and the Soviet Union.

Union to participate in the four-power conference¹ and the position of the Soviet Government to the Chancellor.² They agreed one of the objectives of the forthcoming four-power meeting will pave the way for early German reunification. It was confirmed in their combined opinion the concept of neutrality is in no way viable to Germany and that only in collective security arrangements can Germany assure its independence. As a result of their discussions, they are reassured that there is a broad field of understanding between them. They are confident that the achievement of the policies upon which Germany and the United States are embarked will continue to require closest cooperation in the future. These policies are based on a common purpose to the furtherance of a just and enduring peace among the peoples of the world.

BERLIN AND EAST GERMANY, 1950-1955

ALLIED RIGHTS IN BERLIN: Statement to the Press by the Foreign Ministers of the United States, the United Kingdom, and France, May 13, 1950³

The three Western Occupation Powers will continue to uphold democratic rights in Berlin. They are resolved now as in the past to promote the democratic rights of the inhabitants and will cooperate with German authorities to improve to the utmost the economic position of the three Western sectors. Meanwhile the three Governments will continue to seek the reunification of the city in free elections in order that Berlin may take its due place in a free and united Germany.

DEMILITARIZATION OF EAST GERMANY: Note From the American Ambassador at Moscow⁴ to the Soviet Foreign Minister, May 23, 1950⁵

I have the honor to express to you the United States Government's concern at a development in eastern Germany which is already known to the Government of the Union of Soviet Socialist Republics. There has been created in the part of Germany that is subject to

ing and equipment, the character of an army. This organization is called the Main Administration for Training (Hauptverwaltung Ausbildung), and it amounts to about 50,000 men. It is an ordinary police force, and it does not have ordinary police equipment. It receives basic infantry, artillery, and armored troops. It is equipped with military weapons, including machine guns, anti-aircraft cannon, mortars, and tanks. It must therefore, as a military force.

The Soviet Union has many times expressed its adherence to the principle of the complete disarmament and demilitarization of Germany. In particular, you will recall the following agreements to which the Soviet Government was a party:

A. Joint Report of February 11, 1945,¹ following the American Conference in the Crimea:

It is our inflexible purpose to destroy German militarism and ensure that Germany will never again be able to disturb the peace of Europe. We are determined to disarm and disband all German armed forces for all time the German General Staff that has repeatedly contravened the principle of German militarism; remove or destroy all German military equipment; . . .

B. Declaration Regarding the Defeat of Germany by the Allied Powers, signed by General Eisenhower, Marshal Zhukov, Field Marshal Montgomery, and General Tassigny on behalf of their respective Governments on June 5, 1945:²

The Four Allied Governments will take such steps, including disarmament and demilitarization of Germany, as they deem required for peace and security.

C. Joint Report of August 2, 1945,³ following the American Conference in Berlin (Potsdam):

3. The purposes of the occupation of Germany by which the Occupation Authorities shall be guided are:

(i) the complete disarmament and demilitarization of Germany for these ends: (a) All German land, naval and air forces . . . and all German and quasi-military organizations . . . shall be completely and finally destroyed in such manner as permanently to prevent the revival or reorganization of German militarization and Nazism.³

D. Agreement between the Governments of the United States of America and the Union of Soviet Socialist Republics and the Provisional Government of the French Republic on Certain Additional Requirements to be Imposed on Germany, dated September 20, 1945:⁴

forms of military training, military propaganda and military activities of every nature, on the part of the German people, are prohibited, as well as the formation of any organization initiated to further any aspect of military activity and the formation of war veterans' organizations or other groups which develop military characteristics or which are designed to carry on the military tradition, whether such organizations or groups purport to be educational, religious, social, athletic or recreational or of any other

Control Council Law No. 34, entitled "Dissolution of the Nacht," dated August 20, 1946:

Article I. . . . all German land, naval and air forces, with all their organizations, staffs, and institutions, . . . and all other military and quasi-military organizations, together with all clubs and associations which serve to keep alive the military tradition in Germany, are hereby considered disbanded, completely dissolved and declared illegal.

Article II. The maintenance, formation and reconstitution of any of the agencies or organizations enumerated in Article I under any name or form whatsoever, and the taking over of all or any of the functions of such agencies or organizations in whole or in part by other agencies is prohibited and declared illegal.¹

It is clear from these agreements that the Government of the Soviet Union is committed unequivocally to the principle that Germany will be demilitarized, that her military forces will be completely and finally destroyed, and that no revival of German military activities will be permitted. The British, French, and American Governments were also committed to these agreements and are equally committed to the same principle. They have, accordingly, taken effective steps to prevent the rearmament or remilitarization in their zones of occupation. The Soviet Union, on the other hand, has directly violated all these agreements. The establishment of a military force, or military police, in Eastern Germany could not have been accomplished without the deliberate approval of the Soviet Government, and it is done squarely in opposition to the efforts being made by the United States and other nations to create a stable and lasting peace. The representatives of the Soviet Government have, on numerous occasions, spoken of the Soviet Government's desire for peace. Such protestations, however, can hardly be expected to receive credence among the free peoples of the world when the Soviet Government is simultaneously creating a military force of considerable size and strength in Germany in violation of its solemn international commitments. By this and other like actions the Soviet Government has destroyed world confidence in the sincerity of its promises and has spread throughout the world widespread doubt as to its pacific intentions. If the Soviet Government wishes to restore in some measure international confidence in its alleged attachment to peace,

21. ALLIED POLICY IN BERLIN: Declaration of the Allied Kommandatura, May 26, 1952¹

Taking into consideration the new relations established between France, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and the Federal Republic of Germany, and wishing to grant the Berlin authorities the maximum freedom compatible with the special situation of Berlin, the Allied Kommandatura makes this declaration:

I

Berlin shall exercise all its rights, powers and responsibilities set forth in its Constitution as adopted in 1950² subject to the reservations made by the Allied Kommandatura on May 26, 1950,³ and to the provisions hereinafter.

II

The Allied authorities retain the right to take, if necessary, such measures as may be required to fulfil their international obligations, to ensure public order and to maintain the peace and security of Berlin and its economy, trade and communications.

III

The Allied authorities will normally exercise powers in the following fields:

- (a) Security, interests and immunities of the Allied Forces, including their representatives, dependents and non-German employees. German employees of the Allied Forces shall have immunity from German jurisdiction only in matters arising out of or in the course of performance of duties on behalf of the Allied Forces;
- (b) Disarmament and demilitarisation, including restrictions on scientific research, civil aviation, and prohibitions on industry in relation to the foregoing;
- (c) Relations of Berlin with authorities abroad. The Allied Kommandatura will permit the Berlin authorities to assure the representation abroad of the interests of its inhabitants by suitable arrangements;
- (d) Satisfaction of occupation costs. These costs shall be met after consultation with the appropriate German authorities.

¹ Memorandum of the Principles Governing the Relations between the Allied Kommandatura and the Berlin Authorities, May 26, 1952.

at the lowest level consistent with maintaining the security of Berlin and of the Allied Forces located there;
Authority over the Berlin police to the extent necessary to ensure the security of Berlin.

IV

The Allied Kommandatura will not, subject to Articles I and II of the Declaration, raise any objection to the adoption by Berlin under appropriate procedure authorised by the Allied Kommandatura of the same legislation as that of the Federal Republic, in particular relating to currency, credit and foreign exchange, nationality, passport, emigration and immigration, extradition, the unification of the legal system and trade area, trade and navigation agreements, freedom of movement of goods, and foreign trade and payments arrangements.

V

Over the following fields:

restitution, reparations, decartelisation, deconcentration, foreign interests in Berlin, claims against Berlin or its inhabitants, displaced persons and the admission of refugees, control of the care and treatment in German prisons of persons charged before or sentenced by Allied courts or tribunals; over the carrying out of sentences imposed on them and over questions of amnesty, pardon or release in relation to them,

Allied authorities will in future only intervene to an extent consistent with, or if the Berlin authorities act inconsistently with, the principles which form the basis of the new relations between France, the United Kingdom and the United States on the one part and the Federal Republic of Germany on the other, or with the Allied legislative force in Berlin.

VI

Legislation of the Allied authorities will remain in force until repealed, amended or deprived of effect.

The Allied authorities will repeal, amend or deprive of effect any legislation which they deem no longer appropriate in the light of this situation.

Legislation of the Allied authorities may also be repealed or amended by Berlin legislation; but such repeal or amendment shall require the approval of the Allied authorities before coming into force.

VII

VIII

In order to enable them to fulfil their obligations under the Declaration, the Allied authorities shall have the right to request such information and statistics as they deem necessary.

IX

The Allied Kommandatura will modify the provisions of the Declaration as the situation in Berlin permits.

X

Upon the effective date of this declaration the Statute of Principles Governing the Relationship between the Allied Kommandatura and Greater Berlin of 14th May, 1949,¹ as modified by the Instrument of Revision, dated 7th March, 1951,² will be

22. DISORDERS IN THE SOVIET ZONE: Letter From the United States High Commissioner³ to the Commander-in-Chief of Soviet Forces in Berlin,⁴ November 3, 1952⁵

In your letter of October 1⁶ you felt obliged to inform me that in recent months disorders have occurred in the Soviet zone and to attribute the blame for these occurrences to the activities of the organizations in Western Berlin which, for the purpose of the Declaration, you describe as centers of espionage and sabotage. You maintain, indulge in criminal activities directed against the population of Eastern Berlin and the Soviet zone. I am sorry to hear of these charges, which are baseless and a travesty of the facts.

The organizations which you mention have, with the exception of RIAS,⁷ been voluntarily formed by Germans who have the interest of the German people at heart. So far from committing crimes against the German people of the Soviet zone, these organizations are concerned only with giving help to the refugees in the Soviet zone who, in increasing numbers, flee from persecution; and disseminate evidence about illegal measures and violations of the rights of man, of which so many Germans in the Soviet zone are victims; and to tell them the truth about the free world to which they are separated.

As regards RIAS, the radio in the American sector

may recall that the organization was established under the direction of American personnel in 1946 after the Soviet authorities' violation of the principle of Four Power cooperation in Berlin, and to allow any but Soviet influence in radio Berlin. Your assertions that RIAS is a center of espionage and sabotage are without foundation. On the contrary, RIAS fulfills a much needed function in providing factual information not otherwise available in Western Germany and it will continue to do so.

I will not enter into the diverse accusations which you make on the basis of the evidence provided by various "court trials" in the East zone. Public opinion throughout the world is only too well informed of the methods whereby so-called "confessions" may be extracted from those who are accused by such "courts." Moreover, "courts" seem to have acquired the habit of describing as "crimes" acts which in democratic countries are considered to be a normal part of daily life. For example, a person only has to express an opinion contrary to the Government in power or to repeat the truth of news which is already known but which the regime has an interest in suppressing for him to be described as a "spy" or "traitor." This perversion of the accepted meaning of words would be laughable if its consequences were not so serious.

In your letter you refer to "forcible abduction of activities of the American enterprises to West Berlin where they, and the employees of the people's police, and members of the FdJ, were murdered."¹ If there were any truth in this, I would condemn criminal activities with as much kind just as strongly as you do. But you do not cite any instances of abduction and murder. I, however, am in a position to cite instances of abductions from Western Berlin.

I should be obligated if you would give your urgent attention to the case of Dr. Linse who was abducted from Western Berlin on August 8,² and inform me when he will be returned to Western Berlin. In addition, I should welcome information about "a certain Weiland" whom you attribute one of the "confessions" made before a court in East Berlin on August 27, 1952. I assume this to be a resident of West Berlin named Weiland who was kidnaped from the American zone on November 11, 1950, and forcibly taken into the Soviet zone. Nothing has been heard of him since then until I received your letter. I should be glad to have full details about the circumstances of his arrest and an account of what has happened to him since his arrest.

¹ The text (i. e., the translation) of General Chuikov's letter of Oct. 1, 1952, cited in the *Bulletin*, the passage which is here quoted refers to certain in-

I repeat that the activities of the organizations which have no concern with spying, diversionism, or terror. ganizations would not be necessary and would cease to human rights, such as freedom of speech, freedom of and freedom from arbitrary arrest existed in the Soviet Eastern Berlin. Nor can their activities justify the measures since last May, at the instigation of the Soviet authorities the principal channels of communication between East Germany have been obstructed or curtailed. I take the of reminding you that I have not received a reply to Mr. letter of June 30 ¹ in which your attention was called to matter. I cannot but conclude that the purpose of you to attempt, by its many unfounded allegations, to provide justification of these measures which hinder the reunification of Germany and which, as you are no doubt aware, have aroused spread and fully justified indignation throughout Germany.

23. BERLIN UPRISING: Message From the Allied Command Berlin to the Representative of the Soviet Control June 18, 1953 ²

As Commandants of the French, British and U.S. sectors and in the name of the Allied High Commission we desire to express our grave concern over events which have taken place in Berlin the past few days.

We condemn the irresponsible recourse to military force as its result the killing or serious wounding of a considerable number of citizens of Berlin including some from our own sectors.

We protest the arbitrary measures taken by the Soviet authorities which have resulted in the interruption of traffic between the sectors and free circulation throughout Berlin.

We formally deny that Willi Coettling, executed after a court-martial, was an agent provocateur under the orders of the Soviet service of a foreign power. His condemnation to death and execution on an empty pretext appear to us as acts of brutality which will shock the conscience of the world.

As the highest Soviet authority in the Soviet sector of Berlin we share with us the responsibility of guaranteeing the well-being and freedom of the people of Berlin. We therefore demand of the Soviet Government of Berlin as a whole that the harsh restrictions imposed on the movement of people in Berlin be lifted immediately and that free circulation within the city be reestablished.

¹ Department of State *Bulletin*, Sept. 1, 1952, p. 319.

² *Ibid.*, June 29, 1953, pp. 897-898.

24. BERLIN UPRISING: Letter From the Allied Commandants in Berlin to the Soviet Military Commander in Berlin,¹ June 24, 1953

We, the French, British and American Commandants, have received your letter of June 20³ and hasten to reject your allegations that the disturbances of June 17 were the result of action by groups sent from Western sectors of Berlin. The statement in the inclosure to your letter that an American called Heaver who was wearing a uniform with two stars, which are the insignia of a major general, was seen giving the instructions to organize the disorders is, we are sure you will agree, Major General Dibrova, unworthy of serious consideration and must be held to discredit the rest of the informant's testimony. You and the world are well aware of the true causes of the disorders which have recently occurred in East Berlin, and it is therefore unnecessary for us to tell you that the three powers in West Berlin had no responsibility whatever for instigating them.

We must therefore continue to demand that the remaining restrictions imposed on the Berlin population be lifted and that the steps which you have already taken to reestablish circulation within Berlin be carried to their logical conclusions, free and unfettered movement between all sectors.

We on our side shall continue as always to fulfill our responsibility for the maintenance of law and order in our sectors, and we are ready to do our part in reestablishing normal conditions of life throughout the whole city.

25. BERLIN UPRISING: Statement by the Secretary of State at a Press Conference, June 30, 1953⁴

I have long believed and preached that the Soviet was overextended having under its control some 600 million non-Russians representing what had been 15 or more independent nations. I have been confident that these people could not be moulded into the Soviet Communist pattern, particularly if the free peoples kept alive the hope of the captives and showed them that they were not forgotten.

There has now developed extensive unrest within the satellite countries of Europe. It demonstrates that the people do retain their love of God and love of country and their sense of personal dignity. They want to run their own affairs and not be run from Moscow. The unquenchable spirit of the peoples was dramatized in East

The cry everywhere is for "free elections." The people governed by those whom they select as responsive to their desires, rather than to be ruled by those who take from aliens and who give their orders with a view to their own ambitions without regard to the welfare of the people.

In my book *War or Peace*, written over 3 years ago, I said the Communist structure is over-extended, over-rigid and ill-balanced. It could be shaken if the difficulties that were latent were brought to light. I went on to point out that this does not mean an armed struggle would precipitate a massacre, but that short of this the Communists would demonstrate an independence such that the Soviet leaders would come to recognize the futility of trying to control so many peoples who, by their faith and their patriotism, would really be consolidated into a Soviet Communist world.

The developments of recent weeks show the correct diagnosis.

26. UPRISING IN EAST GERMANY: Letter From the the United States to the Chancellor of the German public, July 23, 1953 ²

MY DEAR MR. CHANCELLOR: During the developments and conversations between the U.S. Secretary of State and the Ministers of Great Britain and France, it occurred to me it might be helpful if I were to write you a letter in amplification of what was so tightly compressed in the final communiqué.³

It seems to me that certain definite patterns are emerging in the situation in East Germany and the Eastern European countries—patterns which will unquestionably have a profound effect upon the future, including the proposed meeting of the Ministers of the Four Powers.

I think, therefore, that it will be useful for me to share these thoughts with you in some detail at this time.

Great historical developments, such as the recent Berlin and German anti-Communist demonstrations,⁴ rarely have precedents. Nevertheless, I am quite certain that future historians, in dealing with the causes which will have brought about the disintegration of the Communist empire, will single out those brave East Germans who dared to rise against the cannons of tyranny with not only their bare hands and their stout hearts, as a root cause. I think that those same historians will record your own extraordinary

us. I know that I need not go into any elaborate denial with the fantastic explanation put out by Moscow that the uprising was caused by American provocateurs.¹ No provocateur of rationality can persuade human beings to stand up in front of firing tanks with sticks and stones. Such action comes from the people and not from any foreign purse.

Second, this uprising was not just a momentary flash of desperation. The continuing news of disorders in Eastern Germany indicates a fundamental and lasting determination to be fully and finally free, after long years of stern Sovietization.

Third, nowhere were the rioters "bourgeois reactionaries" or "capitalist warmongers." They were workers. Therefore, the workers who fell before Russian Communist guns were the very workers in whose name the Kremlin has falsely and cynically justified their empire of oppression, their farflung "workers' paradise." Fourth, the fact of the uprising, the conduct of the German Communist leaders during the event and their actions since the event, indicate the complete political bankruptcy of the SED [*Sozialistische Einheitspartei Deutschlands*].²

Fifth, and to me of utmost significance, when the riots developed in the Russian sector of Berlin, the workers' chant was, "We want free elections." In this phrase, the people clearly and simply summed up their yearning for the alleviation of their grievances and sufferings. The combination of these five facts actually forms the background of that portion of the July 15 Foreign Ministers' communiqué³ dealing with German unification and free elections. And the communiqué itself, as you know, is actually the diplomatic confirmation of our own earlier statements, of my June 26⁴ cable to you, and, most important, of the resolution of the German Bundestag of June 10.⁵

In the past many months there have been endless arguments and debates on both sides of the Atlantic over the respective priorities and the words and phrases as "unification," "peace treaty," "free elections," "withdrawal of occupation troops," etc.

It has always seemed to me—and these recent events, to me at least, clearly confirm the thought—that there can be no solution without free elections and the formation of a free all-German Government, leading to unification. From that point on can flow a logical, orderly sequence of events, culminating in an honorable peace treaty and the re-emergence of a new united German Republic, devoted to the welfare of its own people, as a friendly and peaceful member of the European family of nations.

States will continue to lend the full force of its political and moral support.

There are sincere people in Germany, in the nation of Europe, and even in my own country, who have concluded that free elections, and therefore the unification of Germany, contradict and possibly exclude the concept of the European Community which has been ratified by both your House and Senate¹ and is now before your Constitutional Court. We have never accepted this theory that the EDC and Germany are mutually exclusive. Quite the contrary.

As the three Foreign Ministers stated at the conclusion of their recent meeting in Washington, since the European Community corresponds to the lasting needs of its members and to the peace, security, and welfare, it is looked upon as necessary and not linked up with existing international tensions.

It has long been my conviction that the strengthening of the Federal Republic, through adoption of the EDC, through the agreements and further progress in the integration of Western Europe, can only enhance the prospects for the peaceful unification of Germany, by increasing the attractive power of this prospect. Germany vis-à-vis the Soviet Zone, an attractive power has already been demonstrated by the steady stream of refugees in the months, as well as the demonstrations which began in 1953. This increasing contrast between Western and Eastern Europe, the latter with its bankrupt regime and impoverishment, will in the long run produce conditions which should lead to the liquidation of the present Communist dictatorship and Soviet occupation.

While a future all-German Government must obviously choose the degree to which it wishes to enter into other arrangements compatible with the principles of the United Nations, I can hardly imagine that it would seek the complete and premature disarmament in the presence of the Soviet Union still heavily armed. I believe this is a matter worthy of our attention. Those who in Germany believe they can find a safe solution through defenseless neutralization should ponder the true wisdom and safety of such a course.

Speaking for America, and I believe the rest of the world shares this view, I can say that there has been enough war and enough misery and enough destruction in the past to deter any people or any Government of the West from military aggression. But the peace we all so dearly s

started something that will have an important place on the
of history. May the concluding chapter of that history record
emergence of freedom, of peace, and of happiness.

**EAST GERMANY—FRIENDSHIP AND SYMPATHY OF THE
AMERICAN PEOPLE: Senate Concurrent Resolution No. 36
(80th Congress, 1st Session), August 3, 1953**¹

WHEREAS the brutal suppression by the Soviet Communist regime
through the use of armed force and police terror of workers seeking the
right of free assembly and other rights assured to all in the free world;
persecutions of members of all religious faiths; the continuing
brutality enforced upon the captive peoples; the systematic repression
of non-Communist political elements in the Soviet-dominated
countries and most recently the acts against the people of Soviet-
dominated countries, deserves strongest condemnation; and constitute
(a) oppression of individual and human rights, and (b) persecution on
account of race and religion; (c) violate the declarations in the Pre-
amble to the Charter of the United Nations; and (d) violate the
principles set forth in the American Declaration of Independence
of 1776: ". . . that all men are created equal, that they are endowed
by their Creator with certain unalienable Rights, that among these
are Life, Liberty and the pursuit of Happiness. That to secure these
rights, Governments are instituted among Men, deriving their just
powers from the consent of the governed,—That whenever any Form
of Government becomes destructive of these ends, it is the Right of
the people to alter or to abolish it, and to institute new Government,
laying its foundation on such principles and organizing its powers in
such form, as to them shall seem most likely to effect their Safety
and Happiness. . . . But when a long train of abuses and usurpations,
all having invariably the same Object, evinces a design to reduce them
under absolute Despotism, it is their right, it is their duty, to throw
away such Government, and to provide new Guards for their future
security."; and

WHEREAS the people of East Berlin, East Germany, Poland,
Czechoslovakia, Rumania, Hungary and other Communist-dominated
countries have so courageously demonstrated their strong devotion to
the principles of freedom and justice by their heroic resistance to

terror, murder, imprisonment, reprisals and mass depopulation.

WHEREAS the cause of freedom cannot be contained and ally triumph: Now therefore, be it

Resolved, That the Congress commends and encourages the struggle of these captive peoples for freedom.

Sec. 2. It is further the sense of the Congress that the United States express in the United Nations and in every other way of indignation of its people against these suppressions of religious persecutions in the Union of Soviet Socialist Republics, the Communist satellites, its sympathy with the tragic victims of these suppressions and religious persecutions, and its demand that international law and individual and human rights be respected in the world.

Sec. 3. That the Congress of the United States in behalf of the American people hereby expresses the firm conviction that the people of East Germany are entitled to their basic, inalienable rights and freedoms for which they are now struggling.

Sec. 4. That the Congress of the United States further expresses the firm conviction of the American people that the people of East Germany, now presently divided, have the right to be a unified nation by their own consent by the free expression of popular will in free elections.

Sec. 5. That the Congress of the United States further expresses in behalf of the American people its friendship and sympathy for the people of East Germany, particularly those who have suffered at the hands of the Communists because of their patriotic defiance of Communist tyranny and denounces the action of the Communists in killing, imprisoning, and deporting those who have opposed their tyrannical rule, and asserts that the sacrifice and suffering will aid the cause of freedom in the Communist enslaved nations and will inspire freedom-loving people everywhere.

Agreed to August 3, 1953.

28. REMOVAL OF INTERZONAL BARRIERS: No. 100-100, United States High Commissioner ¹ to the Soviet High Commissioner, ² August 26, 1953 ³

It has long been the policy of my government to remove

in the United States and Soviet zones. The continuation of the system of interzonal passes between our respective zones has in my opinion no justification and I consequently hope that you will agree that we should jointly waive this requirement for German Nationals. I therefore propose to you that we now jointly waive the allied interzonal pass requirement for the travel of German Nationals between and through the United States and Union of Soviet Socialist Republics zones. Simultaneously, the present German *Aufenthaltserlaubnis* [residence permit] requirement should be abolished by the respective authorities. The responsible German authorities in the United States zone will suspend the requirement of the *Aufenthaltserlaubnis* simultaneously with the waiver by us of the interzonal pass requirement. I hope that you will accept this proposal and that you will agree to make the necessary administrative arrangements in the Soviet zone so that German Nationals residing in Berlin, the Soviet zone and the United States zone of occupation will be able to travel between and through these zones of Germany and Berlin on the presentation of their identity card. As soon as you have informed me that these administrative arrangements are to be made in the Soviet zone, I shall order the waiver of the interzonal pass requirement for German Nationals traveling between or through our

I am informed that my British and French colleagues are approaching you with similar proposals.

REMOVAL OF INTERZONAL BARRIERS: Letter From the United States High Commissioner¹ to the Soviet High Commissioner,² September 17, 1953³

I have your letter of September 1,⁴ in which you reply to my proposal of August 26, 1953,⁵ that there be waived simultaneously the interzonal pass which is required by occupation powers and the *Aufenthaltserlaubnis* [residence permit] which is required by German authorities. I regret that instead of accepting my proposal, you have devoted the greater part of your letter to unfounded allegations that the authorities in the Federal Republic are hindering the interzonal travel of German Nationals. These allegations are so manifestly false that I do not propose to answer them. I would however point out that your claim that these obstructions exist should have led you to agree the more readily to my proposal to waive the inter-

fact that the inter-zonal pass system was established by agreement and that therefore the waiver of this requirement matter falling solely within the authority of the occupying powers.

As regards the views of the Federal Republic of Germany on this subject, I should like to call your attention to the uncertainties contained in the resolution of the Bundestag on 10 June 1953 calling for free circulation of all Germans throughout Germany in the subsequent decision of the Federal Cabinet of August 1953 asking for removal of all restrictions imposed on international travel by reason of the inter-zonal pass requirement.

By these actions the Federal Republic of Germany has declared its desire and willingness to do everything possible about conditions permitting unrestricted travel throughout Germany of German Nationals irrespective of their place of residence. For this reason the German authorities in the US Zone have already informed you in my letter of August 26, 1953, that they have granted *thaltserlaubnis* simultaneously with our waiver of the inter-zonal pass requirement, on condition that German authorities in the Soviet Zone do the same.

I wish therefore to reiterate to you my proposal contained in my letter to you of August 26, 1953, that "we now join the Allied inter-zonal pass requirement for travel of German Nationals between and through the US and USSR Zones."

On condition that you will have informed me in advance of your agreement to institute similar measures simultaneously with me, I propose to waive, effective 24:00 hours September 30, 1953, the inter-zonal pass requirement for German Nationals proceeding from established crossing points to the US Zone from the Soviet Zone, whether from many or from Berlin. At the same time, I request that you have those inter-zonal crossing points which were closed on various occasions at various dates prior to the middle of 1952.

Since my British and French colleagues are making a similar proposal, German Nationals would then be able to travel throughout Germany on the simple presentation of their identity papers.

30. REMOVAL OF INTERZONAL BARRIERS: Letter from the United States High Commissioner ² to the Soviet High Commissioner, ³ February 22, 1954 ⁴

At the meeting in Berlin on February 18 of the Foreign Ministers of the U.K., U.S.A., France and the U.S.S.R. it was

result for the German people from the present division of Germany. Although such steps are no substitute for the reunification of Germany and the conclusion of a peace treaty, which remain the objectives of its policy, the U. S. Government considers that it should be possible for the four occupying powers in Germany to reach immediate agreement on the elimination of a certain number of unjustifiable obstacles which still prevent freedom of movement between the different parts of Germany. The U.S. Government believes that the Four Powers could in this way bring about an immediate and essential improvement in the living conditions of all Germany. I therefore propose to you that we shall agree that each of us should, as appropriate, take the following measures:

A. The abolition of the requirement for residence permits for Germans residing in the Federal Territory who desire to travel to the Soviet Zone. The maintenance of this formality in fact considerably reduces the effect of the abolition of interzonal passes which was decided at the end of 1953.

B. The opening of the inter-zonal crossing points which have been closed by the Soviet authorities on various dates before the middle of 1952. I would remind you of the proposal on this subject made to you in my letter of January 8.²

C. The improvement of inter-zonal road and rail transport services including the introduction of fast rail services with improved passenger facilities between the principal cities of West Germany on the one hand and East Germany and Berlin on the other.

D. The removal of the prohibited zone, the barbed wire fence and all other barriers placed in the Soviet Zone along the Soviet Zone border.

E. The abolition of all controls and of all impediments to the free circulation of printed matter.

As regards Berlin, we should agree upon suitable methods for re-establishing more normal living conditions for the inhabitants of the city. In particular, I consider it necessary to reach decisions on the two following questions:

A. The abolition of all formalities *re* movement of persons between Berlin and the Soviet Zone.

B. The removal of all impediments to the free movement of persons and of goods between the Western sectors of Berlin and Western Germany; in particular the abolition of the requirement for the endorsement of *Warenbegleitscheine* [certificates for goods in transit] for such goods by the authorities of the Soviet Zone and the introduction

If, as I hope, they are acceptable to you, technical may be required concerning proposals B and C in paragraph 3. In that event I shall be prepared to furnish the names of the technical experts authorized to deal with these matters in Western Germany and I would be glad to obtain corresponding information from you.

I have authorized Gen. Timberman¹ to make contact with Dengin² and to transmit to him a proposal dealing with the restrictions which we wish to see eliminated in Berlin.³

31. REMOVAL OF INTERZONAL BARRIERS: Letter from the United States Commandant in Berlin⁴ to the Berlin Representative⁵ of the Soviet High Commissioner,⁶ February 22, 1951

In his letter of February 22⁸ the United States High Commissioner⁹ has drawn Mr. Semenov's attention to the need for establishing more normal living conditions for the inhabitants of the city of Berlin. In particular he has expressed the desire that the occupying powers should reach agreement on the removal of the barriers to the freedom of movement of persons and goods between the Western sectors of Berlin and Western Germany and the abolition of all formalities *re* the movement of persons between the Western sectors and the Soviet Zone.

In the same spirit and in order to eliminate all restrictions to the freedom of communications between the four sectors of the city, I request you to agree that the following measures should be put into effect:

A. The abolition of police controls at the borders and the removal of all forms of hindrance to the complete freedom of movement of persons and goods throughout the city.

B. The removal of all street barriers between sectors.

C. The re-establishment of direct tram services throughout the city.

D. The re-establishment of the automatic citywide telephone service.

E. The re-establishment of reliable and efficient postal services throughout the city.

¹ Maj. Gen. Thomas S. Timberman, United States Commandant in Berlin.

² Sergei Dengin, Representative of the Soviet High Commissioner in Berlin.

The abolition of controls over and interference with the free circulation of printed matter, films and other cultural media throughout the city.

I am convinced that an agreement should be reached on these urgent proposals for the common good of the people of Berlin and I am ready, for my part, to discuss with you without delay all the measures required to put them into force.

Should technical discussions be required concerning proposals such as those mentioned above, I am prepared to furnish the names of the German officials authorized to deal with these matters for my sector. I should be glad to receive similar information from you.

REMOVAL OF INTERZONAL BARRIERS: Note From the United States High Commissioner¹ to the Soviet High Commissioner,² March 17, 1954³

I have received your reply of March 6, 1954,⁴ to my letter of January 22 in which I proposed to you that we should agree to work with the British and French High Commissioners in Germany to eliminate immediately a number of unjustifiable obstacles which prevent freedom of movement between the different parts of Germany.

I regret, however, that instead of replying positively to my proposal of dealing with the practical and urgent problems with which we are faced, you have confined yourself in your reply merely to rejecting M. Molotov's proposal for all-German committees⁵ which was rejected by the three Western Foreign Ministers at the Berlin Conference.

The matters covered by my proposal must continue closely to be discussed by the four occupying powers until such time as the reunification of Germany takes place. None of these powers can rightly evade its responsibilities in that respect. It is, therefore, the duty of the four powers to secure the removal of obstacles to free movement of German citizens between the different parts of Germany, and insofar as the continued existence of such obstacles is due to action or inaction on the part of the authorities in Soviet occupied territories, my government will continue to hold the Soviet authorities responsible for this. I intend to further progress in the direction of German reunification. It is for this reason that I have requested you, in my previous letter, to inform me of the Soviet attitude towards the specific pro-

It is clear that certain of the questions mentioned in February 22 require only unilateral decision and action by the authorities of the Soviet Zone. These are:

(A) The abolition of the requirement for residence permits for Germans residing in the Federal territory who desire to travel to the Soviet Zone;

(B) The removal of the prohibited zone, the barbed wire, and all other barriers placed in the Soviet Zone along the border;

(C) The abolition of all formalities regarding movement between Berlin and the Soviet Zone.

If, as I hope, the Soviet authorities share my government's desire to alleviate conditions which are oppressive to the German people, may I ask you to indicate to me at an early date that you are ready to take steps to have the above measures put into effect?

With regard to the further proposals made in my letter of February 22, I suggest that, in every case in which we consider that discussions should take place between German technical experts and Soviet experts, a view to reaching practical solutions which, once they are agreed, should become effective without delay. I shall be ready to inform you already informed you, to furnish you with the names of persons authorized to deal with these matters in respect of West Germany, who would then meet with corresponding experts to be designated by you. If you agree with the foregoing, I suggest that the next step should be for us to meet in order to draw up terms of reference which would enable the discussions between experts to be held.

33. STATUS OF EAST GERMANY: Joint Declaration of the United States, British, and French High Commissioners, April 1955

The Allied High Commission desires to clarify the position of the three governments which it represents toward the statement issued on March 25 by the Soviet Government, purporting to describe its relations with the Government of the so-called German Democratic Republic.² This statement appears to have been intended to create the impression that sovereignty has been granted to the German Democratic Republic. It does not alter the actual situation in the Soviet Zone. The Soviet Government still retains full control there.

The three governments represented in the Allied High Commission

They believe that this attitude will be shared by other states, who like themselves, will continue to recognize the Government of the Federal Republic as the only freely elected and legally constituted government in Germany. The Allied High Commission also takes this occasion to express the resolve of its governments that the Soviet action shall not deter them from their determination to work for the reunification of Germany as a free and sovereign nation.

4. REMOVAL OF INTERZONAL BARRIERS: Letter From the United States High Commissioner ¹ to the Soviet High Commissioner, ² May 24, 1954 ³

I acknowledge receipt of your reply, dated April 17, 1954,⁴ to the second letter I had sent you, on March 17, 1954,⁵ putting forward positive suggestions for the elimination of unjustifiable obstacles which prevent freedom of movement for Germans between the different parts of Germany.

In my letter of March 17, I drew your attention to unilateral measures which the authorities in the Soviet Zone could themselves make to this end without the need for any further consultation between us. I regret to note that no action has so far been taken by the authorities in the Soviet Zone to put these measures into effect and that you do not even refer to them in your reply. I further regret that you have made no response to my suggestion that arrangements should be made which would enable discussions to begin between German technical experts on those proposals in my letter of February 2 on which consultation is required.

Instead you have invoked the Soviet Government's statement of March 26 [March 25] regarding the status of the German authorities in the Soviet Zone and you have once again repeated the Soviet proposal, which has already been rejected by my Government, for the establishment of "all-German Committees".

I must make it clear to you that my Government still regards the Soviet Union as the power responsible for the Soviet Zone of Germany. My Government does not recognize the sovereignty of the East German regime. In this connection, I take the opportunity of drawing your attention to the declaration made on April 8 by the High Commissioners of the United Kingdom and France and myself, a copy of which I enclose.

You have also repeated your charges about alleged criminal organiz-

tions and unfounded accusations, does not make a positive contribution to the problem of removing the restrictions on freedom for the German people, and serves only to accentuate the division of Germany.

So long as this division exists it remains the duty of the occupying powers to do everything in their power to lessening the hardships resulting from it. I do not intend to be diverted from the constructive proposals I have already made to you and to take all the measures indicated in my letter of March 1954, therefore that, in order that we may make genuine progress, I am therefore proposing that, in order that we may make genuine progress which are of real importance to the German people, you accept my proposals without further objections.

35. ALLIED POLICY TOWARD BERLIN: Declaration of the Foreign Ministers of the United States, the United Kingdom and France, October 23, 1954 ¹

With respect to Berlin, in addition to the Allied security arrangements for the city in the London communiqué of October 1954, the Foreign Ministers of France, the United Kingdom and the United States have noted with deep satisfaction the close cooperation between the Allied and Berlin authorities. The Allied Powers are determined to ensure the greatest possible freedom of movement for the government in Berlin compatible with Berlin's special needs. Accordingly, the three Governments have instructed their representatives in Berlin to consult with the authorities of that city in order to implementing jointly and to the fullest degree possible the following principles.

36. ROAD TOLLS IN THE SOVIET ZONE: Letter from the United States High Commissioner ³ to the Soviet High Commissioner, March 31, 1955 ⁵

It has been brought to my attention that the East German authorities propose to increase drastically, with effect from April 1, 1955, the tolls which vehicles not registered in the Soviet Zone are charged for the use of roads within the Soviet Zone. In practice, this measure will affect primarily vehicles registered in the Federal Republic of Germany and Berlin.

The reason given for this measure is that tolls will be charged for the use of roads within the Soviet Zone.

butions are already being made by operators of Berlin and West German vehicles for this purpose. If there were actually any new toll in this connection, this could most appropriately be discussed with German experts with the *Treuhandstelle fuer den Interzonenhandel*.

The proposed increases are, however, so exorbitant that they cannot be justified purely on economic grounds. Increases which would result in many cases to fees of more than ten times the present rate would be so abnormal that this measure can only be regarded as politically inspired and intended to impede the free movement of persons and goods between the Federal Republic and Berlin, as well as between the Federal Republic and the Soviet Zone.

Any action which might have this result would clearly conflict with the obligations contained in the New York and Paris agreements of May and June, 1949.¹ I hope therefore that in view of the responses of the Soviet authorities in such matters you will have the necessary steps taken to have the proposed measure withdrawn without delay.

ROAD TOLLS IN THE SOVIET ZONE: Letter From the United States High Commissioner² to the Soviet High Commissioner,³ April 15, 1955⁴

In my letter of March 31⁵ I drew your attention to the proposed introduction of drastic increases in the fees payable by vehicles not registered in the Soviet Zone for the use of roads in the Soviet Zone. We received no reply to this letter and, despite my request that you should take the necessary steps to have the proposed measures withdrawn, the new fees were imposed with effect from April 1.

I pointed out in my letter to you of March 31, these increases were so exorbitant that they cannot be justified on economic grounds. It is estimated by competent experts that the revenue collected from the road tax in effect prior to April 1, which in 1954 is understood to have amounted to between DM 4,300,000 and DM 5,000,000, was sufficient to provide for the maintenance of highways in the Soviet Zone used by West German traffic. If, however, in view of the economic difficulties of the Soviet Zone, the East German authorities have been unable to provide the necessary funds for road maintenance without increasing their revenues from this tax, this should be a matter for consultation between the experts concerned. Nevertheless, although the West German experts in the *Treuhandstelle* have expressed

representatives have refused to do so. This refusal con- expressed in my letter of March 31 that the increase regarded as politically inspired and intended to im- movement of persons and goods between the Federal Berlin and between the Federal Republic and the Soviet

At the sixth session of the Council of Foreign Minist June, 1949,¹ the Soviet Government gave certain under were set out in a communiqué issued at the close of t These undertakings included the following statement:

In order to improve and supplement this and other arrange- ments as regards the movement of persons and goods and com- tween the eastern and western zones and between the zones and in regard to transit, the Occupation Authorities, each in his own an obligation to take the measures necessary to ensure the nor- and utilization of rail, water and road transport for such move- and goods and such communications by post, telephone and tele-

The arbitrary action of the East German authoritie these exorbitant increases, on which there was no pric with the West German experts, is clearly inconsis Soviet Government's undertakings, since it interfere "normal functioning" of road transport in the Soviet Z

I therefore consider that the Soviet authorities are ensuring that these increases are withdrawn without a continuation of the present situation can only make in interzonal trade, affect the welfare of Berlin and lead in tension within Germany, I propose that the four l sioners should meet in Berlin as soon as possible to disc- ment of this problem.

38. ROAD TOLLS IN THE SOVIET ZONE: Letter Fr States High Commissioner ² to the Soviet High C May 2, 1955 ⁴

I have received your letter of April 30, 1955 ⁵ in which your readiness to accept my proposal for a meeting problem arising from the imposition by the East Germ of exorbitant increases in the charges payable for the the Soviet Zone by vehicles not registered in that zone

I cannot accept that this matter, insofar as it conc- tween the Federal Republic and the Soviet Zone an Federal Republic and Berlin, is solely within the re- the East German authorities. On the contrary, in re-

of the four-power agreements of May and June, 1949,¹ I must insist on the responsibility of the representatives of the four powers in Germany regarding this matter which directly affects the normal functioning of such traffic.

In the light of the foregoing, I suggest that we meet to discuss this matter on May 7 at 3 p. m. in the Allied Control Authority Building in Berlin or, should you prefer, in your office.²

39. ROAD TOLLS IN THE SOVIET ZONE: Communiqué by the American, British, and French Ambassadors to Germany, May 20, 1955³

The French Ambassador to the German Federal Republic, M. François Poncet, the United States Ambassador, Dr. James B. Conant, and the British Ambassador, Sir Frederick Hoyer Millar met today with the Soviet High Commissioner, Mr. G. M. Pushkin to discuss the question of tariffs on highway traffic to Berlin which have been imposed by the Soviet Zone authorities. The meeting took place at Mr. Pushkin's office in the East Sector of Berlin. The Western ambassadors proposed that German experts be designated to study the problem and agree upon a solution to be recommended. The Soviet High Commissioner rejected this proposal and declared that the matter was solely within the competence of the East German authorities. He stated that the question could be solved only by direct discussions between the West and East German authorities and did not fall within the scope of the Four-Power Agreements of 1949. In view of this attitude, it was decided by the three ambassadors that the question should be referred to their respective governments.

40. THE SOVIET UNION AND EAST GERMANY: Statement to the Press by the Foreign Ministers of the United States, the United Kingdom, and France, September 28, 1955⁴

The Foreign Ministers of the United States, the United Kingdom and France wish to make known their view on certain points in connection with the agreements of September 20, 1955, as reported in the press, between the Soviet Union and the regime in the Soviet zone of Germany.⁵

under agreements and arrangements between the Three the Soviet Union on the subject of Germany and Berlin. Union remains responsible for the carrying out of these

Secondly, the three Foreign Ministers reaffirm that Republic of Germany is the only German Government legitimately constituted and therefore entitled to speak for as the representative of the German people in international relations. These three governments do not recognize the East German nor the existence of a state in the Soviet zone.

Finally, as regards a statement which has recently appeared in the Soviet press on the frontiers of Germany,¹ the three Foreign Ministers reaffirm the repeatedly expressed position of their Governments that the final determination of the frontiers of Germany must be the result of a peace settlement for the whole of Germany.

41. THE SOVIET UNION AND EAST GERMANY: Note by the American Embassy at Moscow to the Soviet Foreign Ministry, October 3, 1955²

The Government of the United States of America, in agreement with the Governments of the United Kingdom and France, wishes to make known its position with regard to the agreements concluded on the 20th of September 1955 between Marshal Bulgarin and Grotewohl, as published in the press.³

The three Governments declare that these agreements do not in any respect or in any way the obligations or responsibilities of the U.S.S.R. under agreements and arrangements on the subject of Germany, including Berlin, previously concluded between the United States, the United Kingdom and the U.S.S.R.

The three Governments consider that the U.S.S.R. remains bound by the engagements which it has assumed vis-à-vis the Three Big Powers concerning Germany, and that, in particular, the letter of understanding between Mr. Zorin and Mr. Bolz on the 20th of September 1955 have the effect of discharging the U.S.S.R. from the responsibilities which it has assumed in matters concerning transportation and communications between the different parts of German-occupied Berlin.

¹ An announcement was issued in Moscow, Sept. 15, 1955, on the question of the frontiers of Germany was solved by the Potsdam Conference.

² Department of State *Bulletin*, Oct. 17, 1955, p. 616. Similar statement delivered on the same day by the British and French Embassies. Soviet note of Oct. 18, 1955 (*ibid.*, Nov. 7, 1955, pp. 734-735) and note of Oct. 27, 1955 (*ibid.*, p. 734).

³ For the texts of these agreements, see *Documents on American Foreign Relations, 1955* (New York, 1956), pp. 108-112.

**DETENTION OF AMERICAN CITIZENS IN EAST BERLIN:
Letter From the United States Commander¹ to the Soviet Com-
mander,² November 28, 1955³**

AR GENERAL DIBROVA: I wish to bring to your attention the example of the lawless action of the "Peoples' Police" in the East sector of Berlin. This incident occurred yesterday about 10:00 in the vicinity of the Soviet Garden of Remembrance in Treptow. It involved two members of the Congress of the United States of America, the wife of one of the Congressmen, and an officer of the United States Army who is under my command.⁴

The party was about to leave the Garden of Remembrance in an official military vehicle of Berlin Command, a member of the "Peoples' Police" ordered them to remain on the spot. The policeman then demanded that the keys of the vehicle be handed over to him, and on a show of reluctance on the part of the United States Army officer the policeman drew his pistol from his holster and cocked it menacingly.

Under this threat, the officer handed over the keys. When the officer attempted to use the radio telephone in the vehicle in order to inform this Headquarters of the incident, he was prevented from doing so by another policeman who likewise drew his pistol from his holster and cocked it in a threatening manner.

The reason given by the policeman for this ruffianism was that it was forbidden by the laws of the so-called German Democratic Republic for a foreign power to maintain and operate radio transmitters in Berlin.

After approximately three hours of detention by policemen, the party was forced to follow a Soviet official in a Soviet vehicle to your quarters at Karlshorst. They were in turn followed by the Soviet policemen in their vehicle.

At that time the Provost Marshal of Berlin Command arrived at Karlshorst and was received by Colonel Kotsiuba.⁵ According to the Provost Marshal's report, Colonel Kotsiuba affirmed the statement of the policemen that the party had violated the laws of the "German Democratic Republic."

The party was eventually released approximately four hours after their original detention.

I wish you to know, General Dibrova, that of all the incidents which have affected the relations between our two Commands during the past few years, I consider this one by far the most serious. I insist that an explanation be given why the policemen assumed the authority to interfere with the liberty of the United States officials, and, further-

If the report of Colonel Kotsiuba's statement with laws of the "German Democratic Republic" is correct, answer quite clearly that the laws of the "German Republic" can have no applicability whatsoever to the in I have described to you.

Finally, I expect you to take immediate measures repetition of such incidents which, I am sure you must violation of the established policy of free circulation in the meantime, I do not intend to alter the practice of radio transmitters in vehicles of Berlin Command entering sector of Berlin, nor do I intend to tolerate any further United States personnel by members of the "Peoples' P

43. DETENTION OF AMERICAN CITIZENS IN EA **Note From the American Ambassador to the Ger** **Republic¹ to the Soviet Representative in the S** **December 1, 1955³**

On November 29, General Dasher, the United States in Berlin, called on General Dibrova, the Soviet Com protest against an incident which occurred on November incident involved the unwarranted detention in the So Berlin of an American military vehicle of the Berlin c its occupants, including two members of the Congress States of America.

I am informed that General Dibrova refused to a Dasher's protest and that in justification he made cert concerning the applicability to this case of the laws of Democratic Republic" and the relationship between the of Berlin and the "German Democratic Republic".

I must renew the protest made by General Dasher ag ence with the freedom of Allied circulation in Berlin and grossly discourteous and threatening conduct displayed States citizens by persons acting under Soviet authority. I do not consider the attempted justification of this acceptable.

As for General Dibrova's assertions, they are wholl with the quadripartite status of Berlin. The position ment as regards the status of Berlin, and its attitude t German Democratic Republic, are well known to you numerous communications on these subjects from my your government over a considerable period of time.

continue to hold the Soviet authorities responsible for the welfare and proper treatment of all United States citizens during their presence in those areas, including the Soviet sector of Berlin, which are subject to Soviet authority and control.

44. STATUS OF BERLIN: Remarks to the Press by the Secretary of State, December 6, 1955¹

Q. Mr. Secretary, would you comment on the events in Berlin during the last week?

A. Well, do you refer to the retention, temporarily at least, of these two Congressmen that were there, or the barges?

Q. I was thinking specifically of the barges and the larger issue raised on the status of the city.

A. Well, the action taken about barges, which now is reported very largely in the press, is action that was taken last October. It is nothing that took place last week. So far there has not been any interruption of the normal movement of traffic through the canals and we have no evidence to anticipate that there will be, although that is always a possibility. But we expect that the Soviet will respect, and assure respect for, the agreement that was made in Paris in June, I think it was, 1949 with respect to assuring the normal access, by rail and water, of the West to Berlin.² We take the position, as you know, that nothing that the Soviet itself can do can relieve the Soviet of its international obligations. We expect to hold the Soviet to its international obligations. We have no evidence as yet that those international obligations will be violated.

Q. Mr. Secretary, did the United States concur in that British concession that the East German Government could control the inland waterways? This decision, you say, was reached last October.

A. The announcement that the licenses would be issued by the East German regime, the so-called GDR, with authority in East Berlin, was, I think, acquiesced in by the British, in whose sector is, I think, the barge terminal. That took place, as I recall, last October. Now that did not involve, of course, any recognition of the exclusive authority of those German Communist authorities in that zone over the area, or any waiver of the rights which we have under the Paris agreement of 1949. If the Soviet chooses to carry that out through

C. RELATIONS WITH AUSTRIA, 1950-1955**45. COMMUNIST DISTURBANCES: Statement to the
the Acting Secretary of State,¹ October 6, 1950**

The firmness and determination with which the Austrians have reacted to the recent Communist-inspired disturbances in Austria and the prompt and courageous action taken by the Austrian Government and police to maintain law and order are highly commendable. I am sure, to the American people as a whole. The actions of the Austrian Government in this respect have the full support of the United States Government.

The agreement on control machinery, signed by the four Big Four powers on June 28, 1946,³ provides that the Allied Commission shall assist the Austrian Government to recreate a sound and stable national life based on respect for law and order. This agreement charges the Allied Commission with responsibility for maintaining law and order if the Austrian authorities are unable to do so. It authorizes the High Commissioners to act independently in their respective zones in the absence of the Allied Commission. Needless to say, this Government will take all proper action to fulfill its international commitments with respect to the maintenance of law and order in the areas of responsibility in Austria.

**46. COMMUNIST DISTURBANCES: Message From
Secretary of State⁴ to the Austrian Chancellor,⁵ October 10, 1950**

I have just received your telegram of October 5⁷ addressed to Mr. Acheson in which you refer to the urgent request submitted by your Government to the Allied Council to take immediate and appropriate measures to enable the Federal Government to fulfill its constitutional duties and appeal to the U.S. Government to supply the necessary power to support your Government in its efforts to maintain law and order.

The actions taken by your Government to maintain law and order in the face of recent Communist-inspired and Soviet-sponsored disturbances⁸ have the full support of this Government. I am particularly gratified at the courageous and determined manner

issued a statement to the press along the foregoing lines ¹ shortly to the time your telegram came to my attention and I hope that news, and I am sure I speak for the American people as a whole, serve to assure your Government and people of our confidence in and of our deep appreciation of the firmness of purpose which have displayed in their efforts to maintain independence and of action under these trying circumstances.

the course of demonstrations in the Soviet zone of Austria on April 4 and 5, 1950, the Soviet commander in the city of Wiener Neustadt obstructed efforts of the Austrian police to restore general order.

commander ordered the withdrawal of the police sent to Neustadt by the recognized Austrian authorities to maintain order and to protect life and property from the rioters. In these measures, the Soviet commander threatened that the Soviet forces would act against the Austrian police should they fail to comply with his orders.

The law enforcement activities of the Austrian Government have been further hampered by the Soviet officer who commanded the president of the Vienna police immediately to recall to his sector any police forces employed outside that sector, nullifying the orders for dismissal and transfer of Austrian police officers without the consent of the Soviet element of the Interallied Council to forbid the employment of police forces of the Soviet Government in Vienna in any other sector.

As stated above, the Allied Council, by its terms of reference, is called upon to concern itself with the maintenance of law and order in Austria. Thus, article 3 D of the control agreement authorized the Allied Commission to assist the Austrian Government to maintain control of the affairs of state in Austria. Suppression of law and order of police is patently inconsistent with this objective, and the responsibility of the Allied Commission to assist the Austrian Government to recreate the respect for law and order. The actions of elements of the population acting against the authority of the Austrian Government and its police and forcing the seizure of a government building to a rioting mob are contrary to the terms of the control agreement and call for action by the Allied Commission.

The Allied Commission did not consider that any of the provisions set out in article 2 C of the control agreement authorized it to act directly rather than through the Austrian Government was relevant in this case. The Allied Commission, therefore, took no action. Paragraph 2 D of the control agreement authorized in certain circumstances independent action by the Allied Commissioners in the absence of action by the Allied Council. This provision is equally inapplicable in this case. The Soviet commander's justification to maintain law and order at Wiener Neustadt when Austrian authorities had already done so.

Article 1 of the control agreement states unequivocally that the authority of the Austrian Government shall extend fully over Austria with two exceptions, execution of directions from the Allied Commission and questions defined in article 5. In these circumstances the Allied Commission had issued no directives and certain conditions existed in which article 5 would apply. Any move to disarm the police and to establish internal boundaries of their

tates, therefore, calls upon the Soviet Government to issue appropriate instructions to the Soviet authorities in Austria to desist from interfering in the police functions of the Austrian Government.

8. TRAVEL REQUIREMENTS: Statement to the Press by the Department of State, November 20, 1950 ¹

The Department of State announced today that effective December 1, 1950, no Allied Force permits will be required of American citizens desiring to enter the United States, United Kingdom, or French zones of Austria. On the basis of a bilateral United States-Austria agreement, citizens of the United States will be able to enter Austria on the basis of a valid American passport only. However, in order to travel into the Soviet zone of Austria and to Vienna, the occupation force travel permit (grey pass) will continue to be required.

The United States, United Kingdom, and French Governments have taken this step in abolishing the requirement of Allied Force permits into their zones of Austria in accordance with their desire to normalize the relations between Austria and the occupation powers and to discontinue as far as possible all restrictive controls in Austria.

9. SOVIET INTERFERENCE IN AUSTRIAN AFFAIRS: Note From the American Ambassador at Moscow ² to the Acting Soviet Foreign Minister, ³ November 22, 1950 ⁴

The Ambassador of the United States of America presents his compliments to the Acting Minister of Foreign Affairs of the U.S.S.R. and has the honor to invite the Ministry's attention to questions which were raised in the Allied Council in Austria on November 10, 1950: unjustified Soviet interference in the administration of Austrian law enforcement agencies since disturbances on October 4, 1950, which were the subject of his government's communication of November 1, 1950.⁵ The Government of the United States has been informed that, contrary to established Four Power agreements and practice, the local Soviet authorities have endeavored arbitrarily to prevent the Austrian Government from implementing disciplinary measures against certain malfeasant police chiefs in the Soviet sectors of Vienna. Information available to this government reveals that, under the protection and orders of Soviet officials, suspended police chiefs have

Soviet representative in the Vienna Inter-Allied Commission aggravated this cleavage in the Austrian law enforcement by unilaterally ordering the Federal Police-Commissioner to draw administrative actions of any nature affecting police in the Soviet Zone unless prior approval has been obtained from Soviet authorities. Without regard to the obligation of the Inter-Allied Commission to the parties to the Control Agreement in matters affecting the Austrian police, the Soviet Commander unilaterally ordered the Austrian Government to suspend criminal proceedings against certain Vienna police officers arising from their violation of Austrian laws during occupation in Vienna. Soviet orders further prohibit either criminal or disciplinary actions against any Austrian police officers in the Soviet Zone. Such orders not only constitute a violation of the Control Agreement but a serious impairment of power of the federal police to perform their duty of maintaining law and order.

The Federal Chancellor of Austria in letters of October 1945 presented evidence to the Allied Council of the above ill-considered actions clearly established that the Soviet occupation authorities attempted to prevent the exercise of the legal right of the Austrian Government to suspend the police chiefs of the second, fourth, twentieth, first, and twenty-fifth bezirke of Vienna. The Chancellor's communication verified the report that the execution of instructions by the central police officials was made dependent upon approval by the Soviet authorities.

The position adopted by the Soviet authorities fails to take into account the fact that the Allied Council has entrusted the Austrian Government with responsibility for the maintenance of law and order. Their actions likewise clearly contravened the provisions of Article 2 of the Control Agreement, which sets forth the conditions under which any one of the occupying authorities may act independently.

There is no evidence that the Austrian authorities in the Soviet Zone or their police are or have at any time been unable to maintain law and order except to the extent they have been prevented from doing so by Soviet intervention.

When confronted with the Chancellor's charges in October 1945, the Soviet High Commissioner adopted the attitude that he was entitled under the Control Agreement to exercise his own authority in questions concerning police in the Soviet Zone of Vienna. Despite the joint responsibility of the four High Commissioners for the conduct of occupation affairs, the legal basis for the Soviet position was set forth in this Embassy's note of November 1, 1945, despite a precedent of four years of inaction.

Control Agreement in order to bring to the notice of the Allied Council his disapproval of administrative actions of the Austrian authorities, and thus to enable the Allied Council to take, if it thought necessary, the action foreseen by that article.

These matters, following upon the events communicated in the Embassy's note of November 10, 1950, are brought to the attention of the Government of the U.S.S.R. because of the grave consequences to our common objective in Austria if international agreements continue to be disregarded. In consequence, the Government of the United States is obligated to renew most vigorously its protest against the actions of the Soviet occupation authorities and particularly against their usurpation of the clearly defined powers of the Allied Council. The Government of the United States once again requests the Soviet Government to issue appropriate instructions to its authorities in Austria to conform strictly to the solemn obligations entered into by the Four Powers, with a view to avoiding a serious deterioration of functioning of the quadripartite machinery in Austria.

10. REPLY TO SOVIET CHARGES REGARDING AMERICAN POLICY: Statement Before the Allied Council by the United States High Commissioner,¹ October 12, 1951 ²

At the last meeting of the Allied Council the Soviet High Commissioner³ was prompted to make a statement under the item, "Any Other Business," on a subject which, I should have thought, he would have preferred to avoid in this body: namely, the exploitation of Austria, and remilitarization. As I indicated at that meeting, I also should like to ask the question: "Who is exploiting Austria?" and "Who is supplying visible evidence of militarization" at the time?

It seems to me that our Soviet colleagues would have the Austrian people not believe their own eyes. He referred to jet airplane factories, V-2 plants, and a number of other alleged and mysterious military enterprises which, he charged, were to be found in the American zone of Austria. The charges were so preposterous that I at once extended an invitation to General Sviridov on behalf of General Irwin⁴ to come and see these imaginary installations for himself. Not having heard from General Sviridov, I took pleasure in allowing three Soviet newspapermen to tour the zone in hopes they would present a true picture to General Sviridov. The failure

Today is not the first time that these Soviet charges have been refuted. The U.S. High Commissioner presented assurance to the Allied Council on September 13, 1946, that his zone had been demilitarized in accordance with the control agreement reaffirmed on several subsequent occasions, notably on December 1, 1947. The Allied Council reported to the Council of Ministers on February 8, 1947, that there were no military organizations in existence which were known to be active in the U.S. zone. The Allied Council reported to the Council, that all known military armament and equipment had been destroyed or rendered useless or entirely removed from the zone, that all known military personnel had been taken over by the Occupying Powers, that all known military installations had been destroyed or dispersed except those which were taken over by the Occupying Powers, and that all industrial enterprises and technical, scientific, and research institutions formerly engaged in the production of, or research in, military armament had been demilitarized and placed under the supervision of the Occupying Powers in their respective zones. Again, the Allied Council reported on December 23, 1947, that all former war production facilities were inspected by the Military, Naval, and Air Directorates were found to be entirely in peacetime production.

ECA CONTRIBUTIONS TOWARD AUSTRIA'S REHAB

I would be the first to agree that the Marshall Plan, Soviet Element sees a spectre of disaster for Austria hundreds of millions of Schillings on improving roads, communications, building dams, repairing bridges, and providing dwellings along with the power and light to go into them. Soviet Element, of course, is proud of the extensive contributions people have made toward Austria's rehabilitation—and the use of ECA investments represents the most effective use of Austrian Government has been able to apply this aid. It is that so far, the Austrian authorities have not

ment would be pleased to see the discontinuation of ECA with its consequences of impoverishment and unrest, but I can assure you that it is our desire and the desire of the Austrian people that it be continued—and it will be continued.

In the minds of more objective experts, Austrian production including that aided by ECA, is entirely devoted to peacetime goods. In interpreting the Soviet definition of "military-industrial potential" my attention was drawn to a statement by the Soviet Element in an executive committee meeting some years ago, in which a button factory was labeled as "military potential," since it might be converted to producing buttons for military pants. If buttons are militarily dangerous, then so are kitchenware, knitting needles, cosmetics, cigarettes, bicycles, farm tractors, and plows, and all other similar items now being produced in the Western zones—at least to the person who cannot get war out of his mind.

In expressing compassion for the heavy burden borne by the Austrian workers, the Soviet Element neglects to add that first and foremost, they must pay for the continued maintenance of a Soviet field army of upward of 50,000 men in the Soviet zone of Austria. The Austrian worker, farmer, and businessman must also continue to defray in tax payments the cost of housing requisitioned for the Soviet forces—a mass of buildings which has been estimated at amounting to one-third of all the available housing in the Soviet zone.

The Soviet High Commissioner speaks of military installations in Western Austria, which I have invited him to come and inspect. He does not speak of the vast Soviet training area of Doellersheim from which Austrian farmers have been evicted; he says he does not even know the location of it. Here, to refresh his memory, is a map showing the location of Doellersheim—an area larger than the city of Vienna. On it you will also find the Soviet military bastion of Baden. You will find the Soviet maneuver area at Apetlon. You will find the locations of the military airfields used by the Soviets for their fleets of jet and bomber aircraft.

DISMANTLING OF AUSTRIAN INDUSTRY

The Soviet High Commissioner voices his concern about the use of some of the Marshall Plan funds that are being put into Austria. Let me remind him of the extent of what the Soviets, for their part, are taking out of Austria. Let us begin by recalling that dismantling of Austrian industrial equipment upon order of the Soviets reached a total value of over 200 million dollars. Then Soviet removals

pay no normal taxes—a fact which has so far deprived Government and people of fully half a billion Schilling. They live outside the law; they ignore all Austrian legislation. They drain off Austrian natural and industrial wealth to the East—billions of Schillings' worth within the country—and bring back nothing in return. It is imperialism of the worst sort. It is not only a monopoly, but a colonial monopoly. It dominates the central part of Europe, and this in the year 1951.

I find that the antiquated Soviet charges of Austrian repression and human rights violations have been well aired in past Allied Council meetings. I believe the U.S. High Commissioner aptly presented the Allied Council viewpoint in the Allied Council meeting of April 28 last. The fact that 5 years after these spurious assertions were made, Austria without a single soldier gives ample proof of the truth and the nature of these empty allegations. I need only refer to the Soviet Element to the speech made by Foreign Minister Grunder in Vienna yesterday for a very effective reply to these charges. The Austrian gendarmerie, to which the Soviets objected, is only the modern police force receives. The Soviet disappointment in the existence of an efficient police and gendarmerie is understandable since these law enforcement agencies constitute the main obstacles to the promotion of internal disorders so near the objectives of Soviet puppets whose loyalty lies not with Austria.

I would like to discuss the kind of peace that reigns in the Soviet zone. In the last 6 years, the Soviet zone and sector have been the scene of hundreds of abductions of Austrians, many of whom have vanished without known charge or trial. The lawlessness of the interior.

Is it "peace" when an Austrian police inspector, suddenly and secretly whisked away—and when 3 years later the Soviet Element casually admits his abduction? Or when Paul Katscher, also seized and deported back in Austria, was in captivity that same year. How do we know? Because the Soviet Element finally got around to admitting it—2 years later. In the Soviet zone last month, a tank company of the Soviet army came out for a shoot and casually blasted a terrified little village, Breitenbrunn.

I was struck with the peculiar similarity of Grunder's statement and that made by the Soviet Element in 1948. From a close comparison, they appear to be the same tirade. Yet in spite of all the dire predictions of Austrian doom, might, we find 3½ years later a country completely demilitarized, its military forces, and instead devoting its energies entirely to the

U.S.S.R. CHALLENGED TO ACT ON AUSTRIAN TREATY

General Sviridov's statement is replete with inaccuracies, misleading statements, and baseless allegations, designed for the sole purpose of trying to further frustrate a good Austrian people who have been subject to Soviet obstructionism and delaying tactics for the past years. The Austrian people are fed up with the occupation. They want the occupying forces to leave the country, and they should have, and they should have left a long time ago. If there is one iota of sincerity in the Soviet statements, then I challenge them to meet with the Western Powers at the earliest possible moment to conclude the State Treaty so that all of the occupying forces may withdraw from this country forthwith. We are sincere in this statement. It is now up to the Soviets to prove their sincerity, and make it possible for the hundreds of prisoners of war and the kidnapped Austrians to return to their families.

The United States has full confidence in the Austrian Government and the Austrian people, and it is committed to the policy of cooperating with them in rehabilitating their country and in reestablishing their independence and sovereignty, which was promised them as long ago as the Moscow Conference of 1943.¹ We will not deviate one moment from this policy.

1. SOVIET CHARGES AGAINST AUSTRIA: Instruction From the Secretary of State to the United States Representative on the Allied Council,² May 20, 1954³

The attention of the world is concentrated primarily on the Geneva Conference and Indochina at this time. Because of that, I wish to express my strong feeling that recent events in Austria should not go unnoticed. The preservation of the authority of the freely elected Austrian Government throughout Austria, in accordance with the Allied Control Agreement,⁴ is, I believe, a matter of serious concern to all of us who live under similarly elected democratic governments. As you have reported, the Soviet High Commissioner in Austria on May 17 peremptorily summoned the Chancellor and Vice-Chancellor of Austria to his headquarters and there delivered a lengthy and virulent condemnation of the Austrian Government. The condemnation, which is clearly without foundation, included accusations of hostile and subversive actions against the Soviet occupation

missioner intensified the allegations, which the Soviet Foreign Minister made officially at the Berlin conference as an excuse for not to grant Austria her long-promised independence, of Austria for remilitarization and for an Anschluss with Germany. The most revealing of all were the charges against Mr. Helmerle, Austrian Minister of the Interior, and the threat that should the Austrian Government fail to take corrective action, then the Soviets would be forced to take appropriate measures.

These efforts are clearly meant to intimidate the government of a free people. The Soviets had already made plain at the conference that they intend to remain in Austria indefinitely. They are threatening to strengthen and expand their control in the occupied area of occupation. I was gratified to note that the formal charges against the representatives of the Kremlin were denied by the Chancellor, the Vice-Chancellor in the best tradition of the courageous post-war Government coalition. If there have been any expressions of dissatisfaction over the nine-year occupation of an occupied country, surely the Soviet Government should find this surprising nor a threat to its own security.

The Soviet High Commissioner gave the appearance of speaking on behalf of the Allied Council. I know of no foundation for the Soviet charges, but in order to remove any possible Soviet misunderstanding of the United States attitude towards its latest action, I therefore, instruct you to request at the next meeting of the Allied Council consideration of the Soviet allegations and threats. The Allied Council has not only powers in Austria but responsibilities toward her government and people.

Any threat of further limitation to Austrian independence is a matter of grave concern not only to the Austrian Government but also to the other three occupying powers. Indeed such a threat could not but be a cause of concern to the entire free world.

52. AUSTRO-AMERICAN RELATIONS: Joint Communiqué November 26, 1954²

The visit of the Federal Chancellor of Austria, Julius Raab, to Washington has provided a most welcome opportunity for the officials of the United States to become personally acquainted with the Chancellor and to review with him the international situation as a whole. Matters of mutual interest to the governments of the United States and Austria were discussed in detail.

and Secretary of State, John Foster Dulles, on November 22 have been cordial, informative, and constructive.

The prospects for a Treaty for Austria were reviewed and it was agreed that both governments would continue with determination to work together for a State Treaty which would provide for the withdrawal of all occupation troops from Austria at an early and fixed date. It was noted that the United States, Great Britain, and France had on November 18 [19] submitted to the Secretary General of the United Nations a report of their efforts to achieve an Austrian State Treaty.¹

The Chancellor reviewed the political and economic situation existing in Austria today. The stability and progress achieved by Austria, in spite of the devastations of war and the burdens imposed by the continued occupation of the country, were recognized by the representatives of the United States as being a remarkable and concrete proof of the courage, resourcefulness and fortitude of the Austrian coalition government and its people. The Chancellor outlined his plans and hopes for the further development of Austria's hydroelectric potential for the mutual benefit of Austria and neighboring states. Further development of these plans will be followed with great interest by United States authorities.

The Chancellor held useful conversations with the Departments of State and of Defense on the question of further alleviating the burden of occupation by the release of requisitioned housing presently held by the United States authorities in Austria. Plans to this end now under consideration in the Department of Defense were reviewed.

The question of claims by American citizens against the Austrian government stemming from the Nazi occupation of Austria was discussed. It was agreed that a prompt and just settlement of these claims should be sought.

The discussions held during the Chancellor's visit re-emphasized the friendly relationship which exists between the governments of Austria and the United States. By this visit the ties which link the people of Austria to the people of the United States have been further strengthened.

53. AUSTRIAN NEUTRALITY: Note From the Secretary of State to the Austrian Ambassador,² December 6, 1955³

The Secretary of State presents his compliments to His Excellency the Ambassador of Austria and has the honor to acknowledge receipt

1955, the federal constitutional law relative to the Republic of Austria, which entered into force November 5, 1955.¹

The Secretary of State has the honor to inform the Ambassador, in compliance with the request expressed under acknowledgement, that the Government of the United States has taken cognizance of this constitutional law and reaffirms its policy of perpetual neutrality of Austria as defined therein.

D. NEGOTIATIONS WITH OTHER NATIONS REGARDING GERMANY, 1950-1952

54. STATEMENT BY THE UNITED STATES HIGH COMMISSIONER,² FEBRUARY 28, 1950³

I have on two recent occasions in Berlin stated that the unification of Germany on the basis of free all-German elections is a major objective of United States policy.

The aspiration of the Germans for unity and freedom is challenged by the Communists of the Soviet Zone, who offer to form a so-called "National Front" as a means to "democratize" the elections in the East Zone now scheduled for October 1950. Claimed as affording an opportunity of expressing the people's will. But only one kind of freedom will be permitted: freedom of expression. Elections: freedom to vote for a single list of candidates to advance *only* by the Party elite which executes dictatorial orders of the Union. In contrast to this travesty, the people of Western Germany enjoy the political freedoms so conspicuously absent in the East: the right to engage freely in party activity and the right to vote for any candidate.

We understand the universal German urge for unification and deplore the exploitation of that feeling by dishonest devices.

¹ The constitutional law provided as follows:

"Article I

"(1) For the purpose of the lasting maintenance of her independence and for the purpose of the inviolability of her territory, Austria declares on her own free will her perpetual neutrality. Austria will maintain an attitude of neutrality with all means at her disposal."

Soviet-sponsored "National Front" and its proposed plebiscite. These devices fraudulently excite and exploit the natural wish of the German people for unity while denying to them the free and democratic processes by which unity can be attained. The reluctance of the Communist usurpers of East Germany to submit to free elections, or to permit the unification of Germany to proceed thereby, makes abundantly clear that they are unwilling to trust the choice of the German people. My Government stands ready to assist the German people to achieve unity, based on true democratic principles and reflecting the aspirations of the entire German nation.

Unity and freedom can be attained in Germany only if there be full and equal opportunity for all parties throughout Germany to propose candidates, advance programs, and compete for the electorate's favor. All candidates must be assured complete freedom of action without discrimination or official favoritism, together with access to all essential media of communication and material facilities. Every voter must be assured the protection of the law in the free expression of his opinion at the polls. The press must have unhindered access to all areas in order to report the election campaign accurately.

Meanwhile, my Government is extending its full support to the Bundesrepublik, which has evolved from those democratic processes to which all Germans can aspire.

5. DECLARATION BY THE FOREIGN MINISTERS OF THE UNITED STATES, THE UNITED KINGDOM, AND FRANCE MAY 14, 1950¹

In reaffirming the determination of their Governments to work together, in cooperation with the German Federal Government and all like-minded Powers, for the unification of Germany, the three Foreign Ministers agreed that German unity should be achieved on the basis of the following principles:

- (a) A freely-elected all-German government.
- (b) Individual freedom of movement, freedom from arbitrary arrest and detention, freedom of association and assembly, freedom of speech, press and radio throughout Germany.
- (c) Freedom of action throughout Germany for all democratic political parties.
- (d) Independence of the judiciary.
- (e) Prohibition throughout Germany of political secret police and

(g) Surrender and disposal, in accordance with German legislation, of any industrial enterprise in Germany in which ownership or control was acquired after May 8, 1945 by or for a foreign Power, unless such acquisition has quadripartite approval; the interest so approved is subjected to German Law.

(h) Establishment of quadripartite supervision of the German Atomic Energy Commission, exercising its reserve powers in such a way as to permit the German Government to function effectively.

The Foreign Ministers further agreed that the first step in the restoration of German unity should be the holding of free elections to a Constituent Assembly. The Ministers warmly welcome and endorse the resolution of the German Government of March 22, 1950,¹ inviting free all-German elections to a national assembly empowered to frame an all-German constitution. These elections should be held under international supervision on the basis of an electoral law to be agreed between the four Powers which would take into account the principles of democracy. The Constituent Assembly when elected should have the right of drafting a constitution for submission to the German people for ratification.

Finally, the Ministers agreed that with the formation of a German government on the basis of the foregoing principles, the four Powers should immediately address themselves to a peace conference.

56. LETTER FROM THE UNITED STATES GOVERNMENT TO THE SOVIET GOVERNMENT IN BERLIN ² TO THE CHAIRMAN OF THE SOVIET-AMERICAN COMMISSION, ³ MAY 25, 1950 ⁴

DEAR GENERAL CHUIKOV: Throughout the five years since the end of the war, which our two governments have participated in the reconstruction of Germany, repeated efforts have been made to effect the economic unity of the country. The matter was raised again by the Foreign Ministers of the United Kingdom and the United States at London. Their conclusions on German unification and the manner in which it might be achieved are attached. (See Annex A.)⁵ This document has been forwarded to the Chancellor of the German Federal Republic.

You will note that the Ministers agreed that the first step in the restoration of German unity should be the holding of free all-German elections to a national assembly empowered to frame an all-German constitution. These elections should be held under international supervision on the basis of an electoral law to be agreed between the four Powers which would take into account the principles of democracy. The Constituent Assembly when elected should have the right of drafting a constitution for submission to the German people for ratification.

public communiqué released by the Ministers on May 14,¹ it was stated that the Western Powers did not contemplate the conclusion of a separate peace treaty with the Federal Republic: one consideration in the formulation of this conclusion was that the Western Powers believe that a separate peace treaty with one or more zones of occupation connotes acceptance of a concept of a more permanent partition of Germany. The Western Powers do not wish to associate themselves with any such concept.

You will also note that the Ministers endorsed the resolution of the Federal Republic under date of March 22, which invited all German elections to a National Constituent Assembly under conditions found to be acceptable to my government. A copy of the text of this resolution is attached (See Annex B),² and I direct your attention especially to paragraph 1 thereof, which suggests that the four occupation powers should assume the responsibility of framing an electoral law under which all-German elections might be conducted.

My government would be prepared for me to share in the responsibility of framing an electoral law under which all-German elections pointing toward the formation of an all-German Government in conformity with the principles set forth in the attached statement of the Foreign Ministers, could be held.

Should your government declare its acceptance of these principles and be willing to share such responsibility, it is the belief of my government that any discussions on the subject should be conducted via the following principles:

1. Conversations would initially be undertaken at the level of the four Commissioners for the limited purpose of drafting an electoral law to implement the Federal Republic's proposal of free all-German elections for a National Constituent Assembly. The proposal to limit discussions to the framing of an electoral law proceeds from a belief that it is unrealistic to discuss or arrange the desired peace settlement until it is established that a unified German Government freely elected, can be brought into being.

2. If agreement is reached on an electoral law, the way would be clear for the drafting by the elected representatives of the German people of a constitution for all Germany, within the framework of the principles set forth in the attached statement of the Foreign Ministers, and for the emergence of an all-German Government.

3. A basis would thus be laid for the establishment of a four power commission which should exercise its reserved powers in such a way as to permit the German Government to function effectively.

To all persons concerned in this subject

57. STATEMENT TO THE PRESS BY THE STATE, OCTOBER 25, 1948

I should like to anticipate your questions on the communiqué issued at Praha and the Eastern European Communist Foreign Ministers' meeting to give the impression that a new approach is in the air. I cannot find anything new in the proposals to old and unworkable proposals.

The record shows that we have always been in the search for a plan which would relieve tension, unity, and liquidate the tragic heritage of the last war. It has long since passed when the world can be divided into several phrases from the Soviet Union about democracy and German unity. We, who have striven so long for peace and want actions—we want the threatening East German banding, the capricious restraints on internal freedom, and free democratic elections held in all of Germany—end to threats such as that uttered by the deputy head of the East German regime, on October 1, 1948, declared that the Government of the Federal Republic of Germany what he hoped was going to be the fate of the German people.

The Praha statement makes four proposals. It deflects us from our resolve to proceed to build a new world as the best means of safeguarding the peace.

First, it is proposed that the United States and the Soviet Governments should publish a declaration that they permit the remilitarization of Germany or it is a sign of aggressive plans. Why is this necessary? At Potsdam in 1945 to bring about the complete demilitarization of Germany.³ As a result, Germany is disarmed today. The Praha communiqué shows that the Government of the Soviet Union, which could not enforce the Potsdam Agreement 100 percent completely, is taking the required steps in the Soviet zone. The demilitarization in Germany has occurred in the Soviet zone. The producing armament for Eastern European countries. The soldiers have been organized, trained, and equipped with artillery. And against whom are all these armaments being made? The United States and the free world are watching these developments with increasing anxiety. We are sometimes more reassured by Soviet action to implement the Potsdam conditions than by new declarations, however high

rearming of East Germany, the maintenance of so many mobilized Soviet divisions, or the hostile Soviet propaganda with which the world is constantly bludgeoned. These are the reasons why proposals are made today which would permit the Germans to join their own defensive efforts with the common efforts being made to strengthen the defense of the West, while preventing the rebirth of a German national army.

Second, the Praha communiqué urges the removal of restrictions that are obstructing the development of German peacetime economy. If this demand is addressed to Moscow, we will heartily support it. We have spent billions in an effort to develop the German economy on a sound and self-supporting basis. We made innumerable attempts—fruitless because of Soviet opposition—to bring about the creation of central German economic agencies and with hopeful, misplaced, tolerance we long left the Eastern borders of our zone open to the free exchange of goods and persons. If the German economy, as a national whole, is to be restored on a sound basis, what we need is action from the country which blockaded Berlin, which imposes the most arbitrary and erratic restrictions on commerce entering or leaving its zone of occupation, and which has destroyed all economic initiative in its zone by the system of Communist monopoly of enterprise and industry.

The Praha communiqué demands, in the third place, that a peace treaty with Germany be concluded forthwith. We state, as we have so many times in the past, that this cannot be done in the absence of a unified democratic national government in Germany. The peace treaty cake looks very delicious, but to whom is it to be served? There must be a German government with whom a treaty can be concluded. Let the German people freely elect a national government, as we have proposed again and again, and we can then move toward a peace treaty.

As for the fourth proposal, it is even more insubstantial than the first. It suggests that an all-German constitutional convention composed of equal numbers of representatives from Eastern and Western Germany should prepare the way for the formation of a provisional all-German government. Would the East German representatives be appointed by the Communist Party regime or would they perhaps have the added cover of a fake election of the type held in Eastern Germany on October 15? And why should the 18 million captive Germans of the East have equal representation with the 47 million free Germans of the West? This violates the most elementary ideas of democracy. We strongly support the views which have been expressed by Chancellor Adenauer and the Government of the Federal Republic. We have

proof. Instead, it abuses, by its perversion of language, hope for peace and understanding, for an end to fear. Against that abuse, I raise a solemn protest.

58. NOTE FROM THE AMERICAN EMBASSY AT MOSCOW TO THE SOVIET MINISTER OF FOREIGN AFFAIRS, NOVEMBER 22, 1950²

1. The Embassy of the United States of America has acknowledged the receipt of the note of November 3, 1950, from the Soviet Minister of Foreign Affairs.³ This note enclosed a declaration published in Prague October 22, 1950,⁴ and a meeting of the Council of Foreign Ministers of the United States, United Kingdom, France, and the U.S.S.R. to consider the fulfillment of the clauses of the Potsdam Agreement concerning the demilitarization of Germany.

2. The United States Government has consistently adhered to the principle set forth in the Charter of the United Nations that international problems should be settled by peaceful negotiation.

The United States Government takes this occasion to reaffirm its adherence to this principle. This is in full accord with the spirit of the recent General Assembly resolution⁵ supported by the United States Government which calls attention to the desirability of consultations which would help to allay existing international tensions. Far from having any aggressive intentions toward the Soviet Union, it is inspired by a genuine desire to put an end to the international tension and will spare no effort to achieve so high an end. It is prepared on the basis and in the manner set forth below to explore with the Soviet, British, and French Governments the possibility of finding a mutually acceptable basis for the settlement of the Foreign Ministers of the four countries.

3. The Government of the United States has studied the note of the Soviet Government of November 3, 1950, and is obliged to note with regret that the basis proposed in the note is not such as to afford any prospect of a genuine settlement. The Soviet proposal to examine the question of the demilitarization of Germany will not suffice to remove the causes of the present international tension. The only German military force which exists at present is the force for many months in the Soviet zone has been trained to fight along lines with artillery and tanks. If the participation of Germany in the defense of western Germany is being discussed

to examine all means of improving their security. Contrary to the entirely false allegations contained in the Prague communiqué the United States Government in common with the Government of France and the United Kingdom is determined never to permit at any time or in any circumstance western Germany to be used as a base for aggression. The United States Government has no feeling of confidence that the same is true of that part of Germany under Soviet occupation, in view of the rearmament taking place in eastern Germany referred to above.

4. It is furthermore impossible to envisage a just settlement of German problems on the basis of the Prague communiqué. This communiqué contains no new or constructive feature and the solution proposed therein has been rejected by the majority of German opinion. It does little more than reiterate in substance previous propositions which proved after exhaustive examination to afford no basis for a constructive solution of the German problem. For the purpose of ending the present division of Germany the United States Government in conjunction with the French and British Governments has for its part more than once made proposals for restoring German unity by means of free elections held under international supervision. These proposals were sent by letter by the three High Commissioners to the head of the Soviet Control Commission on May 25, 1950,¹ and October 9, 1950.² No reply has been made to these letters.

5. The serious tension which exists at present springs neither from the question of the demilitarization of Germany nor even from the German problem as a whole. It arises in the first instance from the general attitude adopted by the Government of the U.S.S.R. since the end of the war and from the consequent international developments of recent months. The Governments of the four powers would be failing in their full responsibility if they were to confine their discussion to the narrow basis proposed by the Soviet Government. Questions related to Germany and Austria would obviously be subjects for discussion. But the United States Government believes that any discussions should include equally the principal problems whose solution would permit a real and lasting improvement in the relations between the Soviet Union and the United States, Great Britain, and France and the elimination of the causes of present international tensions throughout the world.

6. The United States Government is prepared to designate a representative who, together with representatives of the Soviet, British, and French Governments would examine the problems referred to in the preceding paragraph with a view to finding a mu-

York presents the most convenient opportunity to conduct exploratory discussions.

7. The United States Government would appreciate the views of the Soviet Government concerning the proposals set forth in the present note.

**59. NOTE FROM THE AMERICAN CHARGÉ D'AFFAIRES
AT MOSCOW¹ TO THE SOVIET FOREIGN MINISTER
JANUARY 23, 1951³**

The Chargé d'Affaires of the United States of America has the honor to acknowledge the receipt of the note of December 30, 1950, from the Soviet Minister of Foreign Affairs and, under instructions from the United States Government, to reply as follows:

The purpose of the United States Government is to seek to reduce existing international tensions by discussing all problems which threaten world peace with a view to resolving the differences between nations. It therefore confines itself to a further examination of the question of the basis on which negotiations might take place and refrains from refuting the allegations on a number of points, especially in regard to those which are made in the Soviet Government's note. As the United States Government has repeatedly pointed out, particularly in its note of December 22, 1950,⁵ these allegations are completely without foundation.

With regard to the substance of the Soviet Government's note, the United States Government observes that the Soviet Government does not object to a preliminary conference of representatives of the two governments but, in view of other statements in the note, the United States Government feels it necessary to ask for clarification to avoid any misunderstanding and to make it possible that a preliminary conference should serve a useful purpose.

The United States Government in its note of December 22, 1950, stated that the Soviet proposal for a meeting of the Foreign Ministers confined to considering the demilitarization of Germany in accordance with the so-called Praha Declaration⁶ was not acceptable for the reasons therein given. The note proposed specifically that a meeting of the Foreign Ministers should include in its discussions not only matters related to Austria and Germany but also the principal problems of international peace and security. A successful solution would permit a real and lasting improvement in

between the Soviet Union and the United States, Great Britain, and France and the elimination of the causes of present international tensions throughout the world.

In its reply, the Soviet Government limited itself to an indication that it is willing to discuss questions concerning Germany. In this connection, the note of the Soviet Government refers again to the so-called Praha Declaration which the United States Government as well as the Governments of France and the United Kingdom have made clear they could in no circumstances accept as a limitation on discussions as a basis for discussions.

The note of the Soviet Government thus does not reveal whether that government agrees that a meeting of the Foreign Ministers of the four countries would deal with the other questions indicated in the note of the United States Government. The United States Government wishes to emphasize, as was stated in its note of December 22nd, that the tension which exists in the world today does not arise from the German problem. A discussion limited to the question proposed by the Soviet Government would therefore be inadequate and unreal.

Consequently, the United States Government would be glad to know whether the Soviet Government does agree that those further questions and problems referred to above will be among those which the Foreign Ministers may discuss.

In its note of December 22, the United States Government further proposed that representatives of the four governments be designated to meet and examine the problems just referred to with a view to finding a mutually acceptable basis for a meeting of the Foreign Ministers of the four countries and recommending to their governments a suitable agenda.

In the view of the United States Government, these representatives would need to give some consideration to the questions and problems involved in order to determine their formulation for inclusion in the agenda as well as the order in which they would appear so that the mutually acceptable basis referred to could be established. It would not be the function of the representatives to attempt to arrive at solutions of the problems, this function being reserved for the Ministers themselves.

While the note of the Soviet Government states that it does not object to a preliminary conference of representatives of the four governments, it is not clear, in view of other statements in the note, whether the Soviet Government agrees that the function of such a preliminary conference should be as stated above. Consequently, the United States Government would be glad to know whether the

bove. If the Soviet Government does agree, the United States Government for its part is ready to set, in agreement with the Governments of the United Kingdom, France, and the Soviet Union, the date of the exploratory meeting of representatives.

50. NOTE FROM THE AMERICAN AMBASSADOR AT MOSCOW¹ TO THE SOVIET FOREIGN MINISTER,² FEBRUARY 19, 1951³

The Ambassador of the United States of America has the honor to acknowledge the receipt of the Soviet Government's note of February 5, 1951,⁴ and under instructions from his Government, to reply as follows:

The United States Government regrets that the Soviet Government in its reply repeats and further exaggerates inaccurate statements about the policies and motives of the United States, France, the United Kingdom as well as the German Federal Republic. The Soviet allegations are totally without foundation.

The attempt to eliminate the causes of international tension is a subject which so deeply touches the interests of all peoples that it demands the most serious and honest consideration. Clearly, if these causes are to be eliminated, they must first be correctly identified.

It is obvious that it is not the German problem or the consideration of a German contribution to the defense of Western Europe which lies at the root of the present tension. The United States Government wishes to emphasize, moreover, that in Western Germany there do not exist any German military forces, or any German war industry and that the only *fait accompli* in this field in Europe is the existence of the huge armaments maintained by the Soviet bloc which include forces raised in East Germany. In short, as the United States Government stated in its note of December 22 the serious tension which exists at present arises in the first instance from the general attitude adopted by the Government of the U.S.S.R. since the end of the war.

The Soviet Government has referred to the defense program undertaken by the United States and the free nations of Europe. It must be as apparent to the Soviet Government, as it is to world public opinion, that the free nations of the world, confronted with the vast armed forces maintained by the Soviet Union and the nations under

for their own security the great disparity in armed forces existing in the world.

The United States Government wishes to insure that the discussion at any meeting of the four Ministers shall include these real causes of tension and that a suitable agenda to that end be drawn up. Since the Soviet Government has admitted the possibility of discussing questions other than Germany, and has itself drawn attention to that of armaments, the Government of the United States, which desires to raise this question, assumes that the Soviet Government does not object to the representatives of the four Governments in the preliminary conversations preparing an agenda which will cover the causes of tension in Europe, including the existing level of armaments problems affecting Germany; the Austrian treaty. The formulation of these and other subjects which may be agreed upon, as well as their order on the agenda, will naturally be considered at the preliminary conference.

If the Soviet Government agrees with the basis outlined above for a preliminary conference in Paris, the United States Government suggests that the representatives of the Four Powers meet there on March 5. If, as the Government of the United States hopes, the preliminary conference of representatives finds a mutually acceptable basis for a meeting of the ministers, the Government of the United States suggests that the Foreign Ministers of the United States, France, the United Kingdom, and the Soviet Union meet in Washington on a date to be recommended by the representatives. The Government of the United States is informed that these arrangements would be convenient to the Governments of France and the United Kingdom.

61. NOTE FROM THE SECRETARY OF STATE TO THE SOVIET FOREIGN MINISTER,¹ MAY 31, 1951²

The Secretary of State presents his compliments to His Excellency the Foreign Minister of the Union of Soviet Socialist Republics and has the honor to refer to the current Four Power negotiations in Paris.

Since March 5 the representative of the United States, together with the representatives of France and the United Kingdom, has been engaged in discussions with the representative of the Soviet Union in a preliminary conference in Paris. This preliminary conference was agreed upon as a result of an exchange of notes which ended with the note of the United States Government dated February 19, 1951³ and the reply of the Soviet Government dated

such an agreement has not yet been reached.

In the course of the discussions, the views of the four delegations were brought out and clarified. Considering that the discussions have provided all the elements necessary for agreement on an agenda, the representatives of the United States, United Kingdom and France presented to the Soviet representative on May 2 a new proposal containing three alternative agenda.¹ The purpose of these three alternatives was to assure the possibility of the meeting of the four Foreign Ministers. It has been, and remains, the view of the United States Government that such a meeting is desirable in the interest of strengthening peace, which is the constant objective of the foreign policy of the United States.

In the course of the examination of these three alternatives the representatives in Paris were unable to reach full agreement. As regards the first alternative, the only difficulty was that the wording proposed by the three delegations for the sub-item concerning armaments was not acceptable to the Soviet delegation. The third alternative was not accepted by the Soviet delegation as a basis for agreement. In the second alternative, however, modifications were made in Item 1 and there is now agreement among the four delegations on the presentation of this item as well as on the inclusion of four other items in the agenda and on their wording. Apart from the final order of these four items, which remains to be determined, but which was thought not to present major difficulties, agreement could have been reached on the second alternative if the Soviet delegation had not insisted on the acceptance of their proposal relating to the North Atlantic Treaty.

The United States Government for its part considers that the amount of agreement so far reached on the agenda makes possible a meeting of the four Foreign Ministers which would permit discussion among others of all topics proposed by the Soviet Government in the exchange of notes preceding the Paris conference and on the 5th and 6th of March at the outset of that conference. Accordingly, the United States Government is pleased to invite the four Foreign Ministers to meet in Washington and suggests that the meeting begin on July 23. The United States Government is prepared to participate in such a conference not only on the agenda (alternative B) described above, but also on either of the two other agenda (alternatives A and C). The texts of these three proposals are enclosed.

The United States Government hopes to receive an early reply from the Soviet Government indicating its readiness to accept the invitation and stating which of the three agenda it finds acceptable for the purpose of holding a meeting of the four Foreign Ministers. Any further arrangements for the meeting could be worked out on receipt of a favorable reply from the Soviet Government.

¹ Proposed alternative agenda are printed as an "enclosure" (*infra*) to this document.

ALTERNATIVE (a)

I. Examination of the causes and effects of present international relations in Europe and of the means to secure a real and lasting improvement in the relations between the Soviet Union, the United States, United Kingdom, including the following questions relating to: the demilitarization of Germany; the existing level of armaments and armed forces and measures to be taken jointly by the U.S.S.R., United States, United Kingdom, and France for international control and reduction of armaments and armed forces; the elimination of the threat of war and fear of aggression; the elimination of the threat of aggression and fear of aggression.

II. Completion of the treaty for the re-establishment of an independent democratic Austria.

III. Problems relating to the re-establishment of German unity and the preparation of a treaty of peace.

IV. Fulfillment of the treaties of peace with Italy, Rumania, Bulgaria and Hungary: ¹ agreements of the Four Powers concerning Germany and Austria.

V. Fulfillment of the treaty of peace with Italy in the part concerning Austria.

ALTERNATIVE (b)

Examination of the causes and effects of the present international relations in Europe and of the means necessary to secure a real and lasting improvement in the relations between the Soviet Union, the U.S., U.K. and France, including the following questions relating to: the demilitarization of Germany; the existing level of armaments and armed forces and measures to be taken jointly by the U.S.S.R., U.S., U.K. and France for the international control and reduction of armaments and armed forces;

U.S., U.K. and France

the existing level of armaments and armed forces and measures to be taken jointly by the U.S.S.R., U.S., U.K. and France for the international control and reduction of armaments and armed forces;

U.S.S.R.

measures for the reduction of armaments and armed forces of the U.S.S.R., U.K., the U.S. and France, the existing level of armaments and armed forces and the establishment of an appropriate international control;

the demilitarization of Germany; fulfillment of present treaty obligations and agreements; the elimination of the threat of war and fear of aggression; the elimination of the threat of aggression and fear of aggression.

Completion of the treaty for the re-establishment of an independent democratic Austria.

Problems relating to the re-establishment of German unity and the preparation of a treaty of peace.

Fulfillment of the treaties of peace with Italy, Rumania, Bulgaria and Hungary: ¹ agreements of the Four Powers concerning Germany and Austria.

Fulfillment of the treaty of peace with Italy in the part concerning Austria.

ALTERNATIVE (c)

I. Examination of measures for the elimination of the present international tensions in Europe, of the threat of war, and of the fear of aggression.

II. Questions concerning armaments and armed forces.

III. Questions concerning Austria.

IV. Questions concerning Germany.

V. Fulfillment of treaties and agreements.

¹ Treaties of Feb. 10, 1947; TIAS 1648, 1649, 1650, and 1651 (60 Stat. 1245-2229).

The Secretary of State presents his compliments to His Excellency the Foreign Minister of the Union of Soviet Socialist Republics and has the honor to refer to the current four-power negotiations in Paris.

1. The United States Government communicated on May 31³ to the Soviet Government a note designed to remove the deputies conference from the deadlock in which it has been for some weeks. To this end the United States Government proposed, together with the Governments of France and the United Kingdom, that a conference of Ministers should meet on the basis of whichever one of the three agenda which had been submitted to it the Soviet Government should prefer.

The negative reply of the Soviet Government has put the deputies conference back to the point at which it was before May 31.

The Soviet Government stated in its note of June 4⁴ that in its view it would be inexpedient to interrupt the work of the conference. The United States Government took account of this recommendation. As a result the deputies have held further meetings. These meetings have shown again that it is impossible to make any progress. The Soviet representative in fact continues to make the meeting of Ministers of Foreign Affairs conditional on a demand which it knows to be unacceptable to the other delegates although the Soviet delegate has obtained satisfaction insofar as concerns the inclusion in the agenda of all the questions which the Soviet Government stated that it wished to have discussed in its notes leading up to the conference or in the proposals which it made for the agenda at the beginning of the conference.

2. If the insistence of the Soviet Government on including in the agenda some mention of "the Atlantic Treaty and the American military bases" is to be explained by its desire thus to secure directly or indirectly a decision of the Ministers calling into question a treaty concluded by twelve powers for the purpose of ensuring their common defense and to which the U.S.S.R. is not a party, it is clear that this insistence is entirely unjustified since such a decision does not come within the competence of the meeting of Ministers.

If on the other hand the purpose of the Soviet Government is solely to reserve the right of the Soviet Foreign Minister fully to give his interpretation of the causes and effects of international tension, this insistence is unnecessary since it has been agreed that the agenda should contain a general heading which would permit each Minister to express his point of view on these matters.

¹ Andrei Y. Vyshinsky.

² Department of State *Bulletin*, June 25, 1951, p. 1021. The British and French Governments sent similar notes to the Soviet Government.

³ *Supra*.

⁴ Text in *Documents on International Affairs, 1951* (London, 1954), p. 260.

3. Considering that the further discussions between the deputies on this question which the Soviet Government proposed in their note of June fourth have not advanced the prospect of agreement the United States Government proposes that the Foreign Ministers of the four powers without further efforts by the deputies to complete an agreement on the agenda should meet on the basis of the large measure of agreement already reached by the deputies in Paris. Taking into account agenda B¹ and the notes which have been exchanged between the Soviet Government and the other governments in which their respective points of view are recorded, the four Foreign Ministers should be able to proceed without delay to their task of seeking to reduce the existing tensions in Europe.

63. DECLARATION BY THE DEPUTIES OF THE FOREIGN MINISTERS OF THE UNITED STATES, THE UNITED KINGDOM, AND FRANCE, JUNE 21, 1951²

1. On June 15 the three western governments communicated a renewed invitation³ to the Soviet Government to attend a meeting of the four foreign ministers on the basis of the large measure of agreement reached at the Paris conference on an agenda and taking into account the views of the Soviet Government and the three western governments concerning the chief point in disagreement.

2. As has been fully explained by the three representatives today the Soviet Government's reply of June 19 constitutes a rejection of this invitation since it is a reaffirmation of the position previously taken up by the Soviet Government. The experience of the deputies in resuming their meetings in accordance with the proposal made in the Soviet note of June 4 shows that the continuation of this discussion has no practical utility.

3. The invitation to the Soviet Government for a meeting of the four foreign ministers, in accordance either with the notes of the three western governments of May 31 or those of June 15, 1951,⁴ remains open and the three governments express the hope that the Soviet Government, after further consideration, will find it possible to transmit through the diplomatic channel its acceptance of this invitation. In this case, if necessary, representatives of the four governments could meet immediately in order to settle the date and other detailed arrangements for the meeting of ministers.

¹ See enclosure to doc. 61, *supra*.

² Department of State *Bulletin*, July 2, 1951, p. 14.

³ *Supra*.

⁴ *Supra*, docs. 61 and 62.

Your letter 202-04 II 11375/51 of October 4² was transmitted to the three Governments represented on the Allied High Commission and has been considered by them.

In your letter you repeated the proposals made by the Federal Government on March 22 and September 14, 1950³ and on October 10, 1951⁴ for the holding of free, general, equal, secret, and direct elections in the whole of Germany. You also requested the Governments of the four Occupying Powers to give the German people the opportunity to elect under international supervision and under legal and psychological conditions specified in the various laws of the Federal Government, a constituent and legislative assembly. The three Governments, who have always supported and continue to support the unification of Germany as soon as it can take place along democratic lines insuring the creation of a free and many able to play its part in a peaceful association of free nations, now renew their support for the idea of elections under safeguarding conditions which have been specified, as necessary, to protect the individual and national liberties of the German people. They refer among other things to the letters sent by the French, British, and United States High Commissioners in Germany on May 26 [May 25], 1950⁵ and on October 10, 1950 to the Soviet Union by Chuikov,⁶ to the statements issued by the British, French, and United States Foreign Ministers in London on May 14, 1950, in New York on September 19, 1950⁷ and to the proposals made by the British, French, and United States Deputies at the Four Big Powers Conference on March 5, 1951.⁸

In your recent letter you have made an additional proposal. I have just written you and wrote:

The Federal Government feels obliged to do all in its power in order that the actual conditions for holding of all-German elections, proposed, are given. Vis-à-vis the territory at large, this can only be done by an international commission—under United Nations control—carrying out investigations in the Soviet Zone and in the Federal Republic, to establish under prevailing circumstances make the holding of free elections possible. The Federal Government requests that such an international enquiry be immediately set out for the territory of the Federal Republic and would ask the Governments represented in the Allied High Commission to propose the establishment of a commission to the United Nations without delay. The Federal Government will in every way facilitate the execution of the tasks of such a commission and will in particular allow it access to all Federal and Land Administration

¹ Department of State *Bulletin*, Oct. 29, 1951, pp. 694-695.

² *Ibid.*, p. 694.

³ *Documents on German Unity*, vol. I (Frankfurt, 1951), pp. 153-154.

⁴ *Ibid.*, pp. 141-144.

⁵ *Supra*, doc. 56.

⁶ *Documents on German Unity*, vol. I, p. 157.

as well as to all official papers and documents which it may require to see in order to complete its task.

The three Governments warmly welcome the constructive initiative which you have taken in making the proposal for a United Nations commission to investigate the extent to which prevailing circumstances allow the holding of free elections in the Federal Republic and in the Soviet Zone of Germany. They have not failed to note the desire of the Federal Government that such an inquiry take place immediately in its territory. The three Governments desire to inform you that they will, at the first suitable opportunity put your views before the United Nations and will propose that the United Nations undertake an investigation over the whole area of Germany as is suggested in your letter. They consider that only by such means can it be expeditiously and satisfactorily determined whether or not conditions exist in the entire area of Germany which would make it possible to consider as a practical matter the holding of general elections.

**65. GENERAL ASSEMBLY RESOLUTION 510 (VI),
DECEMBER 20, 1951¹**

Whereas the Governments of the United Kingdom of Great Britain and Northern Ireland, the United States of America and France, acting on a proposal made by the German Federal Chancellor,² have brought before the General Assembly a request³ for the appointment of an impartial international commission under United Nations supervision to carry out a simultaneous investigation in the Federal Republic of Germany, in Berlin, and in the Soviet Zone of Germany in order to determine whether existing conditions there make it possible to hold genuinely free elections throughout these areas,

Whereas the statements made by the representatives of the Federal Government of Germany, of Berlin, and of the Soviet Zone of Germany before the *Ad Hoc* Political Committee⁴ reveal differences of opinion with regard to the conditions existing in these areas, which make it essential that such an investigation shall be carried out by an impartial body,

The General Assembly,

Having regard to the Purposes and Principles of the United Nations as set out in the Charter, taking due account of the responsibilities of the four Powers regarding Germany, and desiring to make its contribution to the achievement of the unity of Germany in the

of Brazil, Iceland, the Netherlands, Pakistan and Poland will carry out immediately a simultaneous investigation in the Federal Republic of Germany, in Berlin, and in the Soviet Zone of Germany to ascertain and report whether conditions in these areas are such as to make possible the holding of genuinely free and secret elections throughout these areas. The Commission shall investigate the following matters in so far as they affect the holding of free elections:

(a) The constitutional provisions in force in these areas and their application as regards the various aspects of individual freedom, in particular the degree to which, in practice, the individual enjoys freedom of movement, freedom from arbitrary arrest and detention, freedom of association and assembly, freedom of speech, press and broadcasting;

(b) Freedom of political parties to organize and carry out their normal activities;

(c) The organization and activities of the judiciary, the executive and other administrative organs;

3. *Calls upon* all authorities in the Federal Republic, in Berlin, and in the Soviet Zone to enable the Commission to travel freely throughout these areas; and to allow the Commission freedom of access to such persons, places and relevant documents as it considers necessary in the course of executing its task and to allow it to summon and examine witnesses whom it wishes to examine;

4. (a) *Directs* the Commission to report at the earliest possible date to the Secretary-General, for the consideration of the Council and for the information of the other Members of the United Nations, on the results of its efforts to make the necessary arrangements with all the parties concerned to enable it to undertake its work in accordance with the terms of the present resolution;

(b) *Directs* the Commission, if it is able to make the necessary arrangements throughout the areas concerned, similarly to report on the findings resulting from its investigation of conditions in these areas, it being understood that such findings may include recommendations regarding further steps which might be taken in order to bring about conditions in Germany necessary for the holding of free elections in these areas;

(c) *Directs* the Commission, if it is unable forthwith to make the necessary arrangements, to make a further attempt to carry out its task as soon as it is satisfied that the German authorities in the Federal Republic, in Berlin, and in the Soviet Zone will admit the Commission as it is desirable to leave the door open for the Commission to carry out its task;

(d) *Directs* the Commission in any event to report, not later than

make possible the holding of genuinely free and secret elections, to offer its assistance in order to guarantee the freedom of the elections.

6. *Requests* the Secretary-General to furnish the Commission with the necessary staff and facilities.

66. NOTE FROM THE AMERICAN EMBASSY AT MOSCOW TO THE SOVIET FOREIGN MINISTRY, MARCH 25, 1952¹

The United States Government, in consultation with the Governments of the United Kingdom and France, has given the most careful consideration to the Soviet Government's note of March 10, 1952, which proposed the conclusion of a peace treaty with Germany. They have also consulted the Government of the German Federal Republic and the representatives of Berlin.

The conclusion of a just and lasting peace treaty which would end the division of Germany has always been and remains an essential objective of the United States Government. As the Soviet Government itself recognizes, the conclusion of such a treaty requires the formation of an all-German Government, expressing the will of the German people. Such a Government can only be set up on the basis of free elections in the Federal Republic, the Soviet zone of occupation and Berlin. Such elections can only be held in circumstances which safeguard the national and individual liberties of the German people. In order to ascertain whether this first essential condition exists, the General Assembly of the United Nations has appointed a Commission to carry out a simultaneous investigation in the Federal Republic, the Soviet zone and Berlin.³ The Commission of Investigation has been assured of the necessary facilities in the Federal Republic and in Western Berlin. The United States Government would be glad to learn that such facilities will also be afforded in the Soviet zone and in Eastern Berlin, to enable the Commission to carry out its task.

The Soviet Government's proposals do not indicate what the international position of an all-German Government would be before the conclusion of a peace treaty. The United States Government considers that the all-German Government should be free both before and after the conclusion of a peace treaty to enter into associations compatible with the principles and purposes of the United Nations.

In putting forward its proposal for a German peace treaty, the Soviet Government expressed its readiness also to discuss other proposals. The United States Government has taken due note of

participate in such discussion has been formed. There are several fundamental questions which would also have to be resolved.

For example, the United States Government notes that the Soviet Government makes the statement that the territory of Germany is determined by frontiers laid down by the decisions of the Potsdam conference. The United States Government would recall that in fact no definitive German frontiers were laid down by the Potsdam decisions, which clearly provided that the final determination of territorial questions must await the peace settlement.

The United States Government also observes that the Soviet Government now considers that the peace treaty should provide for the formation of German national land, air, and sea forces, while at the same time imposing limitations on Germany's freedom to enter into association with other countries. The United States Government considers that such provisions would be a step backwards and might jeopardize the emergence in Europe of a new era in which international relations would be based on cooperation and not on rivalry and distrust. Being convinced of the need of a policy of European unity, the United States Government is giving its full support to plans designed to secure the participation of Germany in a purely defensive European community which will preserve freedom, prevent aggression, and preclude the revival of militarism. The United States Government believes that the proposal of the Soviet Government for the formation of German national forces is inconsistent with the achievement of this objective. The United States Government remains convinced that this policy of European unity cannot threaten the interests of any country and represents the true path of peace.

67. FIRST REPORT OF THE UNITED NATIONS COMMISSION TO INVESTIGATE CONDITIONS FOR FREE ELECTIONS IN GERMANY, APRIL 30, 1952 (Excerpt)¹

Section 1. Preparatory work in Paris and Geneva

27. The United Nations Commission to investigate Conditions for Free Elections in Germany, . . . held its first meeting on 11 February 1952 in the Palais de Chaillot, Paris. The Commission held two more meetings in Paris, one informal and the other formal before its move to Geneva. At these meetings, the Commission decided on its name, the procedure governing its chairmanship and its headquarters. It also decided, while in Paris, that its first task

Allied High Commission for Germany and to the Chairman of the Soviet Control Commission for Germany were tentatively considered and it was decided to postpone further action to a later meeting to be held in Geneva.

8. At meetings held in Geneva on 21 and 22 February, the Commission approved the texts of its letters to the Chairman of the Allied High Commission for Germany and to the Chairman of the Soviet Control Commission for Germany. It decided that it would send the letters by telegram as well as by air mail and would make the texts available to the Press forty-eight hours after their despatch by telegram.

9. In its letter dated 22 February 1952 to the Chairman of the Allied High Commission,¹ the Commission sought his good offices to transmit to the appropriate authorities in the Federal Republic of Germany and in the Western Sectors of Berlin the wish of the Commission to discuss with those authorities the arrangements deemed necessary by it to enable it to undertake its work. The Commission stated further that it would appreciate it if arrangements could be made to hold a meeting on 17 March with the authorities of the Federal Republic, and another on 21 March with the authorities of the Western Sectors of Berlin. In its letter dated 22 February 1952 to the Chairman of the Soviet Control Commission,² the Commission similarly sought his good offices to transmit to the appropriate authorities in the Soviet Zone of Germany and in the Eastern Sector of Berlin the wish of the Commission to discuss with those authorities the arrangements deemed necessary by it to enable it to undertake its work. The Commission stated further that it would appreciate it if arrangements could be made to hold a meeting on 17 March with the authorities of the Soviet Zone of Germany and another on 21 March with the authorities of the Eastern Sector of Berlin. The Commission asked to be informed of the places designated by the authorities concerned for the meetings it had suggested. It stated that both the Commission, on the one hand, and all the authorities in Germany and the German people, on the other, had common objectives and indeed a good deal of common ground on the basis of which they could all co-operate to set up the edifice of a free united and democratic Germany.

10. The Commission was anxious, if possible, to meet simultaneously with the authorities in the Federal Republic as well as in the Soviet Zone of Germany on the same date, and similarly to meet with the authorities in the Western Sectors and in the Eastern Sector of Berlin

divide itself into two groups so as to be able to meet simultaneously with those authorities.

31. After considering its rules regarding the quorum required for its meetings and its voting procedure, the Commission adjourned to meet again on 10 March. It was decided that during the period of the adjournment a draft memorandum would be prepared concerning the arrangements deemed necessary by the Commission to enable it to undertake its work which would serve as a basis for discussion at the projected meetings of the Commission with the authorities in Germany. It was hoped that, by 10 March, replies would have been received from the Allied High Commission and the Soviet Control Commission.

32. The Commission next met from 10 to 15 March to consider the situation. To its letter dated 22 February 1952 to the Chairman of the Allied High Commission, the Commission had received a reply dated 1 March 1952,¹ to the effect that the Chancellor of the Federal Republic of Germany and certain of his colleagues in the Federal Cabinet would be glad to meet with the Commission on 17 March in Bonn and that the Federal Government was further prepared 'to afford the members of the Commission every possible assistance in the performance of their important task'. The Commission was further informed that representatives of the (West) Berlin Senat proposed to meet with the Commission on 21 March 1952 in Berlin.

33. Not having received a reply from the Soviet Control Commission by 10 March, the Commission decided to write again to General Chuikov, Chairman of the Soviet Control Commission for Germany. In its second letter to General Chuikov dated 10 March,² the Commission again stated its wish to meet with the appropriate authorities in the Soviet Zone of Germany and in the Eastern Sector of Berlin to discuss with them the arrangements deemed necessary by it to enable it to undertake its work, and requested that this fact be conveyed to those authorities. The Commission again suggested that it would appreciate it if arrangements could be made to enable it to meet with those authorities on 17 and 21 March respectively. The Commission informed General Chuikov that it was confirming arrangements to meet with the authorities in the Federal Republic of Germany and in the Western Sectors of Berlin on 17 and 21 March respectively. It requested a reply from General Chuikov by 12 noon of 14 March, in view of the necessity to make final its travel arrangements by Friday 14 March. This letter was sent both by telegram and air mail, and was later released to the Press. The Commission did not receive

The Commission, therefore, arranged to have a meeting in Bonn with the Allied High Commission on 17 March 1952.

35. During the period 11 to 14 March, the Commission considered the draft memoranda that it was to submit to the authorities in Germany that had expressed their willingness to receive the Commission. On 14 March, the Commission unanimously approved their texts.¹ The memoranda were identic in substance, excepting only for such changes as were necessary in view of the fact that they were addressed to different authorities in Germany. They specified among other things, that during the period of the Commission's work

(a) The Commission and its secretariat be granted by the authorities concerned the right to travel freely throughout their respective areas and that the Commission and its secretariat be granted normal and recognized diplomatic privileges and immunities;

(b) The Commission and its secretariat be granted by the authorities concerned the right of free access to such persons, places and relevant documents as the Commission might consider necessary, that the Commission be granted the right to summon any witnesses it might wish to examine or obtain testimony from; and, further, that the Commission be given specific assurance by the authorities concerned that such witnesses would not be impeded from meeting with it, that such persons or their relatives would be immune from any manner of punishment for their having met with and given evidence before the Commission, and that the witnesses would not be forced to reveal the contents of their testimony;

(c) The Commission and its secretariat be granted the right by the authorities concerned to communicate freely and without hindrance with the people in their areas; that the Commission be assured by the authorities concerned that communications to and from the Commission and its secretariat would be immune from censorship, delay or suppression; and that the Commission be given assurance that persons communicating with it or receiving communications from it would not be punished in any manner for having such contact.

36. On 14 March, the Commission also approved the text of a statement to be delivered by its Chairman on its behalf at the forthcoming meeting of the Commission with the authorities of the Federal Republic of Germany,² and the text of an address to the German people to be broadcast from Bonn by Mr. Kohnstamm on behalf of the Commission.³

the representative of Pakistan, was unable to join the Commission on its visit to Germany due to his indisposition, and the Government of Pakistan appointed Mr. Omar Hayat Malik, its Ambassador to the Federal Republic of Germany, to take his place pending his return to the Commission. The Commission would like to record its appreciation of the services rendered by Mr. Malik, who was called at very short notice to assist it.

38. On 17 March, the Commission met with the Allied High Commission and submitted to it the memorandum already mentioned. In submitting it, the Chairman stated that the memorandum was couched in broad and general terms, as it was the Commission's view that at the present stage it might not be necessary to go into details. If agreement on the terms of the memorandum was reached, then it would be the Commission's view that, within the broad scope of that agreement, any detailed arrangements which might be deemed necessary could be made with the responsible authorities in Germany. He added that he and his colleagues felt that the arrangements they were seeking from the responsible authorities in Germany were of very great and fundamental importance for the successful completion of the task entrusted to the Commission by the United Nations. The Commission could hope to fulfil its mission faithfully and only if the German people, as a result of the assurance given by the Commission, felt assured that they could co-operate with the Commission without fear and in perfect freedom. In reaching this conclusion, therefore, that it would be necessary to reach an agreement regarding the subject matter of the memorandum with the responsible authorities in Germany. The Commission would be able to make uniform arrangements with and secure the necessary assurances from all those authorities. It considered that in all parts of Germany all the people should have the same facilities, and that the United Nations Commission should represent all of Germany identic facilities. The Chairman stated that he and his colleagues would also like to discuss with the Allied High Commission the question whether it would not be in the view of the fact that the Governments the Allied High Commission represented exercised supreme responsibility in Germany that the Commission should conclude an agreement, at least in respect of the issues raised in the memorandum which possibly fell within the powers that were reserved to itself by the Commission. The Allied High Commission might also wish to inform the United Nations Commission formally that it was willing to grant it the facilities and assurances it required.

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High Commission would grant the United Nations Commission the guarantees and facilities it had specified in its memorandum. Allied High Commission sent a formal reply on these lines the day.¹ At a meeting held on 19 March, the Commission took note of the reply, expressing its satisfaction therewith.

40. Immediately following its meeting with the Allied High Commission, the Commission met with the Chancellor of the Federal Republic of Germany and a number of his colleagues in the Federal Cabinet at the Haus Schaumburg in Bonn. The Federal Chancellor stated that the United Nations, by setting up the present Commission, had shown its readiness to investigate whether conditions existed for the holding of free elections throughout Germany and that it had provided an assurance that an objective and conscientious enquiry would be made into that problem of vital importance to the German people. He gave the assurance that the Federal Government would give the Commission all the assistance it could to help it carry out its investigations, and expressed the hope that the Commission would achieve complete success, and that the delays that might arise would not persuade it to abandon the pursuit of its objective, which was the objective of the United Nations, of the Federal Government and of the German nation, namely, the re-establishment of Germany in peace and freedom.

41. The Chairman of the Commission, in his reply² to the statement of the Federal Chancellor, after outlining the events that led to the setting up of the Commission by the United Nations, stated that the German people, the different German authorities, and the occupying Powers had all declared as their common objective the bringing into being of a free, united, democratic and peaceful Germany, essentially by means of genuinely free and secret elections. That was also the purpose which the Commission would seek to achieve to the extent that it was empowered to do by its terms of reference. In the discharge of its task, it was most anxious to assure all the German people and all the German authorities of its complete objectivity and impartiality. Under its terms of reference, the Commission was required to carry out its investigation simultaneously in all zones of Germany. The Commission could carry out its task, therefore, only when it was enabled to enter and travel freely in all parts of Germany and when it was granted by all the authorities concerned the facilities deemed necessary by it. The object of its present mission to Germany, however, was to meet those authorities who had expressed their willingness to do so in order to discuss and try to make arrangements, such as the Commission deemed necessary, for the

to enable it to undertake its work, the Chairman of the Commission stated that it would be necessary to publish at an early date the agreement the Commission hoped to reach with the Federal Government in order to assure the people of the Federal Republic that they could co-operate with the Commission with complete and perfect freedom.

43. The Federal Chancellor, after stating his belief that the Federal Government would provide the Commission with all the facilities it had requested, replied that, as soon as possible after the Government had had an opportunity of considering the memorandum, a formal reply would be provided.

44. The Commission further met with the authorities of the Federal Republic on 18 March to discuss the contents of its memorandum. Following the clarifications offered by the Commission, representatives of the Federal Republic stated that a formal reply to the lines agreed at the meetings would be given to the Commission on 19 March and that the Federal Government would, in the interim, initiate such legislative measures as were necessary to secure the facilities and assurances required by the Commission.

45. The Government of the Federal Republic of Germany issued its reply² to the Commission's memorandum at 12 noon on 19 March. The Chairman of the Commission, in a statement with appreciation, stated that the Commission was satisfied with the therewith.

46. During its stay in Bonn, the Commission held a press conference at which over a hundred correspondents were present. This was the main object of its visit to Germany.

47. On 20 March, the Commission left Bonn for Berlin by a commercial airline. At a meeting held in Berlin on the day of its arrival, the Commission decided that it would submit its proposals to representatives on the Inter-Allied *Kommandatura*, with whom it had already arranged to hold a meeting the next day, and to the Federal Republic, to try and secure an agreement regarding the facilities it would need for its work. At the same meeting, the Commission approved the text of a statement to the German people to be delivered on behalf of the Commission by Mr. Kohnstamm.³

48. The Commission met on 21 March with representatives of the Inter-Allied *Kommandatura* and submitted to them the proposals

Berlin), Chairman of the Inter-Allied *Kommandatura*, stated that, in so far as he, the United Kingdom and the United States Commanders in Berlin were concerned, he could give the Commission the assurance that, within the limits of their competence and resources, they would be prepared to do everything they could to provide the Commission with the guarantees and facilities it needed. General Carolet confirmed his statement in a formal reply¹ he sent the Commission the same day. The Commission took note of this reply and expressed its satisfaction therewith.

49. After its meeting with the Inter-Allied *Kommandatura*, the Commission met with Mr. Reuter, Governing Mayor of West Berlin and other representatives of the Berlin Senate to submit a memorandum similar to the ones it had submitted earlier to the Inter-Allied *Kommandatura*, the Allied High Commission and the Federal Republic. Mr. Reuter, in welcoming the Commission, stated that the people of Berlin earnestly wished to be reunited with their fellow countrymen in the area of Germany occupied by the Soviet Union authorities under a single Government by means of genuinely free elections, and assured the Commission of his Government's co-operation in its work. He said that representatives of his Government desired to discuss the Commission's memorandum with it at another meeting, and he hoped to present his Government's official reply to the Commission the following day.

50. The Chairman of the Commission, in submitting the memorandum, thanked Mr. Reuter for his assurances of co-operation. Thereafter, speaking in German, he stated that the impossible situation in which the citizens of Berlin were forced to live was a daily reminder to the world that such division could not and must not last indefinitely. He conveyed the sympathy of the Commission to the Berlin population that was enduring hardships on account of the division of the city.

51. The Commission held a second meeting the same afternoon with the representatives of the (West) Berlin Senate. Following an exchange of views, Mr. Reuter stated to the Commission that his Government's answer to its memorandum would be exactly the same as that of the Government of the Federal Republic, and that the reply would be delivered to the Commission the next day.

52. On 22 March, Mr. Reuter handed over to the Commission the reply² of his Government to the Commission's memorandum. The Chairman of the Commission, in acknowledging it with appreciation, stated that the Commission was entirely satisfied with the reply.

the results of its efforts to make with the authorities concerned the arrangements deemed necessary by it to enable it to undertake its work.

4. In the seven days the Commission spent in Bonn and Berlin, it completed the work it had set out to do. It had concluded agreements that it regarded as satisfactory with the Allied High Commission for Germany, the Government of the Federal Republic of Germany, the Inter-Allied *Kommandatura* (in so far as the authority of this body extended over those areas of Berlin over which the French, United Kingdom and United States Commanders in Berlin exercised authority), and with the Government of West Berlin.

5. Before its return to Geneva, however, the Commission met in Berlin on 23 March to decide on its next step. It agreed that another appeal should be addressed to General Chuikov soon after the Commission's return to Geneva and instructed its Chairman to despatch it not later than 26 March. The Commission thereafter left Berlin on 23 and 24 March, proposing to reconvene on 8 April or earlier if necessary, to consider the situation.

Section 3. Work of the Commission after its return from Germany

6. In its third letter to the Chairman of the Soviet Control Commission for Germany dated 26 March 1952,¹ the Commission drew General Chuikov's attention to its two earlier letters to him dated 12 February and 10 March respectively, and pointed out that it had not received a reply from him to those letters. The Commission further informed General Chuikov that it had concluded satisfactory agreements with the responsible authorities in the Federal Republic of Germany and in West Berlin, and that its ability "to undertake the work entrusted to it by the United Nations is now entirely dependent on the willingness of the responsible authorities in the Soviet Zone of Germany and in the Eastern Sector of Berlin to conclude similarly satisfactory arrangements with the Commission". The Commission again sought General Chuikov's good offices to arrange a meeting between it and the appropriate authorities in the Soviet Zone of Germany and in the Eastern Sector of Berlin to enable the Commission to make with those authorities the necessary arrangements to undertake its work. It transmitted to General Chuikov for his information the texts of the memoranda it had submitted to the authorities in the Federal Republic and in West Berlin and the replies received from them. This letter was sent both by telegram and by air mail and was later released to the Press. The Commission did not

could, if possible be submitted by the end of April. The Commission further decided that it should make one more appeal to General Chuikov, requesting him to facilitate it in the discharge of its duties.

58. In its fourth and last letter to the Chairman of the Soviet Control Commission for Germany dated 9 April 1952,¹ the Commission drew General Chuikov's attention to its three earlier letters to him dated 2 February, 10 March and 26 March respectively, and pointed out that it had not received a reply from him to those letters. Stating again that the Commission's ability to undertake its work was entirely dependent on the willingness of the responsible authorities in the Soviet Zone of Germany and in the Eastern Sector of Berlin to conclude agreements with the Commission similar to the ones already concluded with it by the authorities in Western Germany, the Commission again requested General Chuikov to facilitate it in the discharge of its duties. It further informed him that it felt obliged under its terms of reference, to report before long to the Secretary General on the results of its activities so far, and that it intended to submit a report by the end of April 1952. In view of this conclusion it requested an answer before 27 April 1952. In concluding its letter the Commission stated that "in the event of the Commission not receiving a reply from you by the time indicated, the Commission would, to its regret, be obliged to conclude that at present there is little prospect of its being able to pursue its task of investigation". This letter was sent both by telegram and by air mail and was later released to the Press. Up to the date of the signing of this report the Commission has not received a reply from General Chuikov to any one of its four letters to him.

59. The Commission met from 28 April to 30 April to consider the present report. At its twenty-first meeting held on 30 April 1952, the Commission unanimously approved and signed the report.

PART III

RECAPITULATION OF THE COMMISSION'S WORK AND CONCLUSIONS

60. The United Nations Commission to investigate conditions for free elections in Germany, constituted by General Assembly resolution 510(VI), submits the following recapitulation of its work and its conclusions.

61. The Commission, composed of the representatives of Brazil, Iceland, the Netherlands and Pakistan (Poland having declined to participate in its work), was convened to its first meeting on 11 February 1952 in Paris. Shortly thereafter it moved its headquarters to Geneva from where it began its substantive work as from 21 February. It decided that, under its terms of reference, its first task was to make with all the parties concerned such arrangements as it deemed necessary to enable it to undertake its work.

2. In its efforts to carry out its preliminary task, the Commission addressed a letter on 22 February to the Chairman of the Allied High Commission for Germany requesting his good offices to arrange meetings between the Commission and the appropriate authorities in the Federal Republic of Germany and in the Western Sectors of Berlin, suggesting that the meetings take place on 17 and 21 March respectively. The Commission addressed a similar letter on 22 February to the Chairman of the Soviet Control Commission for Germany requesting his good offices to arrange meetings between the Commission and the appropriate authorities in the Soviet Zone of Germany and in the Eastern Sector of Berlin, suggesting that the meetings take place on 17 and 21 March respectively.

3. On 1 March 1952, the Commission received a reply from the Allied High Commission to the effect that the meetings requested had been arranged. No reply having been received from the Soviet Control Commission of Germany by 10 March, the Commission wrote a second letter on 10 March 1952 to the Chairman of the Soviet Control Commission reiterating the request it had made in its first letter. The Commission did not receive a reply to its second letter.

4. After having prepared a set of identic memoranda concerning the arrangements deemed necessary by the Commission to enable it to undertake its work and which the Commission decided to submit to the authorities in Germany that expressed their willingness to meet with it, the Commission left Geneva on 15 March 1952 for Germany. The Commission stayed in Germany from 16 to 23 March. During this period, it was able to conclude satisfactory agreements concerning the arrangements it required to do its work with the following authorities: (a) the Allied High Commission for Germany; (b) the Government of the Federal Republic of Germany; (c) the Inter-Allied *Kommandatur* in Berlin (in so far as the authority of this body extended over those areas of Berlin over which the French, United Kingdom and United States Commanders in Berlin exercised authority); and (d) the Government of the Western Sectors of Berlin.

5. Following its return to Geneva, the Commission addressed a third letter on 26 March 1952 to the Chairman of the Soviet Control Commission for Germany and a fourth on 9 April. In its last letter the Commission stated that it would appreciate receiving a reply as early as possible and in any event before 27 April.

6. The Commission, bearing in mind the direction given to it by paragraph 4(a) of General Assembly resolution 510 (VI), decided on 9 April 1952 that it should report before long to the Secretary-General.

While the Commission has been successful in carrying out its primary task in the Federal Republic of Germany and in the Western Sectors of Berlin, it has not thus far been able to establish local contact with the authorities in the Soviet Zone of Germany or in the Eastern Sector of Berlin even by correspondence. The Commission consequently has not thus far been able to make with the authorities concerned in the Soviet Zone of Germany and in the Eastern Sector of Berlin the arrangements deemed necessary by it to enable it to undertake its work in accordance with its terms of reference. Bearing in mind the infructuous efforts it has made on four separate occasions to appeal to the Soviet Control Commission for assistance to facilitate it in the discharge of its duties, the Commission, to its regret, is obliged to conclude that at present there is little prospect of its being able to pursue its task.

However, in view of the fact that sub-paragraph 4 (c) of General Assembly resolution 510 (VI) "directs the Commission, if it is unable to proceed with its task at such time as it is satisfied that the German authorities in the Federal Republic, in Berlin, and in the Soviet Zone permit the Commission, as it is desirable to leave the door open to the Commission to carry out its task", the Commission will remain at the disposal of the United Nations and the parties concerned, and will make a further attempt to implement its mandate at such time as it seems likely to the Commission that new steps may lead to favorable results.

The following four representatives on the Commission, whose signatures are appended below, unanimously adopted the report at the twenty-first meeting of the Commission held on 30 April 1952 in the Palais des Nations, Geneva.

(Signed) <i>Brazil</i>	A. MENDES VIANNA
<i>Iceland</i>	K. ALBERTSON
<i>Netherlands</i>	M. KOHNSTAMM
<i>Pakistan</i>	A. H. ABBASI

NOTE FROM THE AMERICAN EMBASSY AT MOSCOW TO
THE SOVIET FOREIGN MINISTRY, MAY 13, 1952¹

In reply to the Soviet Government's note of the 9th of April,²

to achieve these objectives on terms that will insure unity with freedom and peace with security.

2. It is ready to begin negotiations with the Soviet Government on these issues; and it desires to do so just as soon as it is clearly apparent that it is also the intention of the Soviet Government to avoid the fruitless negotiations of the past. The United States Government and the Governments of the United Kingdom, France and the Soviet Union must therefore first reach a clear understanding upon the scope of the negotiations and upon the fundamental problems to be examined. Proper preparation is essential to success and to avoid long delays. The Soviet Government's note of the 9th of April throws little new light on what it considers should be the means of insuring the success of any such negotiations.

3. In its latest note the Soviet Government now stipulates that Germany must not be included "into one or another grouping of powers directed against any peace-loving state". Germany's proposed membership in the United Nations should surely make any such provision unnecessary. In any case the United States Government could not accept any provisions forbidding Germany to enter into association with other states which one of the signatories of the peace treaty might arbitrarily choose to regard as "directed against any peace-loving state". It cannot admit that Germany should be denied the basic right of a free and equal nation to associate itself with other nations for peaceful purposes. It must assume that the Soviet Government likewise cannot object to Germany's right to enter into defensive agreements.

4. In its note of March 25,¹ the United States Government pointed out that it is giving full support to the efforts which the free states of Western Europe, including the German Federal Republic, are making to bring into being a peaceful European community and thus to begin a new era in which international relations will be based on cooperation and not on rivalry and distrust. The United States Government welcomes the development of such a European community in which Germany will participate. Germany is divided because Europe is divided. This policy of European unity cannot threaten the interests of the Soviet Union or of any country whose policy is devoted to the maintenance of peace. The United States Government will, therefore, not be deflected from its support of this policy. It is more than ever convinced that it represents the true path of peace.

5. The United States Government has no responsibility for the failure to extend this cooperation beyond its present limits. It

of a German peace treaty. The U.S. Government has known its views on some of the Soviet Government's, especially its erroneous interpretation of the territorial provisions of the Potsdam protocol and its intention to confine Germany to a state of permanent isolation from Western Europe while she seeks to provide for her defense solely through her own armed forces. The Soviet proposals would mean perpetuation upon Germany's rights of international association and a state of tension and insecurity in the center of Europe.

7. The all-German government resulting from free elections must itself be free. Such freedom is essential both before and after a peace treaty has been negotiated. It must be able to assume a genuinely representative character; to assume its role as the government of a reunited Germany and to play its part in the discussion of the peace-treaty. This question is therefore, inseparable from the problem of elections. The Soviet Government has still failed to give any indication of its views on this subject. The United States Government must make clear whether the Soviet Government considers that an all-German government, resulting from free elections, would be under Soviet control until after the conclusion of a peace treaty. The United States agrees that it should have the necessary freedom of action in the conduct of government.

8. The United States Government is happy to note that the Soviet Government now agrees in principle that there should be free elections throughout Germany. Such free elections can only be held if the necessary conditions exist in all parts of Germany and will be maintained not only on the day of voting, and not only in the east, but also thereafter. An essential first step is, therefore, the creation of the conditions. Otherwise, no progress can be made. The situation in the eastern part of Germany has evolved in a direction which is divergent from the main path of German progress. The principal reason why an impartial inquiry is needed before any final decision can be taken.

9. The Soviet Government does not agree, however, that an international commission set up by the General Assembly of the United Nations should carry out such an inquiry. The United States agrees that many. It bases this refusal on its interpretation of the United Nations Charter. But this reads as follows: "The present Charter shall invalidate or preclude action in any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or not taken."

Nations Commission in order to determine the conditions under which genuinely free elections could be held throughout Germany.

10. The Soviet Government suggests instead that the inquiry could be entrusted to a commission of four occupying powers. Before the United States Government could feel assured that this suggestion would result in an immediate decision, it would need to know what would be the composition and powers of such a body. A commission composed solely of the four occupying powers would have no direct responsibilities in Germany and would be both unjustified and impractical. Experience during the period of four-power control of Germany suggests that it would not be able to reach useful decisions quickly and elections would be greatly delayed. Nor can the Soviet Government overlook the fact that the appointment of such a commission might be interpreted as a step towards the re-establishment of four-power control in Germany. This would be a major move, out of keeping with constitutional developments in the German Federal Republic.

11. For these reasons the United States Government expresses its preference for the United Nations Commission: It is already in existence, its functions have been laid down and it can take action without delay. Nevertheless, the United States Government will continue to examine every possibility of determining whether conditions exist throughout Germany for the holding of genuinely free elections. The United States Government in agreement with the United Kingdom and French Governments and after consultation with the German Federal Government and the German authorities accordingly makes the following proposals:

(i) An impartial commission should immediately determine whether there exist in the Soviet Zone of Germany, as well as in the German Federal Republic and in all sectors of Berlin, the conditions necessary for the holding of free elections and, if not, should recommend for consideration by the Four Powers exercising responsibilities in Germany what step should be taken to create such conditions. The Four Powers should give the necessary facilities for the establishment of such a commission in the German Federal Republic, the Soviet Zone, and in all sectors of Berlin. The three Western Powers and the German Federal Government have already stated their willingness to do so.

(ii) The Four Powers should utilize for this purpose the United Nations Commission which is already available. This is the quickest and most practical course.

(iii) Despite its strong preference for the procedure

French and Soviet Governments would meet to consider it, with a view to reaching agreement on:

(A) The early holding of free elections throughout Germany including the creation where necessary of the appropriate conditions and

(B) The assurances to be given by the Four Powers that the all-German government, formed as the result of these free elections will have the necessary freedom of action during the period before the peace treaty comes into effect.

69. NOTE FROM THE AMERICAN EMBASSY AT MOSCOW TO THE SOVIET FOREIGN MINISTRY, JULY 10, 1952 ¹

In its note of May 13 ² the United States Government made various proposals in the hope of facilitating four power conversations which could lead to the unification of Germany and to the negotiation with an all-German Government of a German peace treaty. It observes with regret that the Soviet Government in its note of May 24 ³ does not answer these proposals. The United States Government fully maintains the views and proposals in its note of May 13. On this basis it wishes in its present note primarily to concentrate attention upon the immediate practical problem of the procedure for setting up, through free elections, an all-German Government with which a peace treaty can be negotiated.

In its note the Soviet Government once more proposes simultaneous discussions on a peace treaty, the unification of Germany and the formation of an all-German Government. For its part the United States Government maintains its position on this question, namely, that an all-German Government must participate in the negotiation of a peace treaty, and that, therefore, before undertaking such negotiations Germany must be unified and an all-German Government established. Unification of Germany can be achieved only through free elections. The essential first step is obviously the determination that conditions necessary for such free elections exist. The second step would be the holding of those elections. In regard to the first step, the United States Government proposed in its note of May 13 that an impartial Commission should determine whether there exist throughout Germany the conditions necessary for the holding of free elections. While pointing out the great advantages of using the United Nations Commission, the United States

appointment of a Commission to carry out this verification by agreement among the four Powers. It is not clear to the United States Government whether the Soviet Government considers that the Commission should be composed of representatives of the four Powers or merely that the four Powers should agree on its composition and the United States Government would be pleased to receive clarification on this point. The United States Government remains convinced that a Commission composed solely of nationals of the four Powers would be unable to reach useful decisions since it could only reflect present differences of opinion among the four Powers as to conditions existing in the Federal Republic, in the Soviet Zone and in Berlin. The United States Government considers that if the Commission is to carry out its work effectively, it should be composed of impartial members, should not be subject to veto or control by the four Powers and should be empowered to go freely into all parts of Germany and investigate conditions bearing on the possibility of holding free elections.

In regard to the second step, the United States Government similarly proposed that as soon as the Commission's report was ready there should be a meeting of representatives of the United States, French, Soviet and United Kingdom Governments to discuss the early holding of free elections throughout Germany, including the creation where necessary of appropriate conditions. The United States Government maintains this proposal to which the Soviet Government has not yet replied.

70. SECOND REPORT OF THE UNITED NATIONS COMMISSION TO INVESTIGATE CONDITIONS FOR FREE ELECTIONS IN GERMANY, AUGUST 5, 1952¹

1. The United Nations Commission to investigate Conditions for Free Elections in Germany submits to the Secretary-General the present report covering its work during the period from May to August 1952 in pursuance of the direction given to it by the General Assembly of the United Nations.

2. In compliance with the direction given to it under the terms of paragraph 4 (a) of the resolution adopted by the General Assembly on 20 December 1951 (resolution 510 (VI))² on the agenda item entitled "Appointment of an impartial international commission under United Nations supervision to carry out a simultaneous in-

necessary arrangements with all the parties concerned to enable it to undertake its work according to the terms of the said resolution.

3. This first report of the Commission contained an account of its activities from 11 February 1952, the date when the Commission first met and organized itself, to 30 April 1952, the date by which the Commission considered it was obliged to submit its first report after having made in that preliminary period every reasonable effort to make the necessary arrangements with all the parties concerned to enable it to undertake its work.

4. The present report, which supplements the first and is in a sense a postscript to it, contains a brief account of the work of the Commission in the three-month period subsequent to the submission of the first report, including a brief summation of the views of the Commission as regards developments in the German situation in so far as they may be regarded as having had a bearing on the specific task the Commission was required to carry out.

5. The report is being submitted in accordance with the direction to the Commission contained in paragraph 4 (d) of General Assembly resolution 510 (VI), which "directs the Commission in any event to report, not later than 1 September 1952, on the results of its activities to the Secretary-General, for the consideration of the four Powers and for the information of the other Members of the United Nations".

6. At its 24th meeting held on 31 July 1952 in Geneva, the Commission decided that the final report it was required to submit according to the terms of paragraph 4 (d) of the resolution quoted above should not be delayed any longer, as, in its view, there appeared at the time hardly any further possibility of its being able to carry out its task of simultaneous investigation throughout the whole of Germany of conditions for free elections in that country. Throughout the period of three months during which the Commission has had to remain in Geneva at no little sacrifice to the Member Governments concerned, in constant session and ready to go into action at any time it could do so or it appeared feasible to make an attempt to do so, it had become increasingly evident that the unwillingness to co-operate with and assist the Commission to discharge its task displayed at the sixth session of the General Assembly by the representatives of the Union of Soviet Socialist Republics and of the German authorities in the Soviet Zone of Germany, remained unaltered.

7. It will be recalled that the Commission in its first report stated that

ence. The Commission consequently has not thus far been able to make with the authorities concerned in the Soviet Zone of Germany and in the Eastern Sector of Berlin the arrangements deemed necessary by it to enable it to undertake its work in accordance with its terms of reference. Bearing in mind the efforts it has made on four separate occasions to appeal to the Soviet Control Commission for Germany to facilitate the discharge of its duties, the Commission, to its regret, is now obliged to conclude that at present there is little prospect of its being able to pursue its task.

"However, in view of the fact that sub-paragraph 4 (c) of General Assembly resolution 510 (VI) 'directs the Commission to make arrangements forthwith to make these arrangements, to make every effort to attempt to carry out its task at such time as it is satisfied that the German authorities in the Federal Republic, in Berlin, and in the Soviet Zone will admit the Commission, as it is desirable that the door open for the Commission to carry out its task and that the mission will remain at the disposal of the United Nations and the parties concerned, and will make a further attempt to carry out its mandate at such time as it seems likely to the Commission that new steps may lead to positive results'".

8. In all the period that the Commission has had to remain in Geneva since the submission of its first report in order to make every effort to implement, if feasible, the directions given to it in paragraphs 4 (c) and 4 (b) of General Assembly resolution 510 (VI), the Commission had hoped that the authorities of the USSR and the German authorities in the Soviet Zone of Germany would eventually see their way clear to co-operate with the Commission, an impartial, international body set up by the United Nations, and to give it the positive support of forty-five out of its sixty Members, and that it had already received every assurance of co-operation from the authorities representing by far the greater portion of the German people. This hope was entertained by the Commission because of its understanding that the authorities of the USSR as well as the authorities in the Soviet Zone of Germany, were as anxious as the Western Powers and the authorities in the Federal Republic of Germany and the Western Sectors of Berlin to bring about a peaceful solution to the German question by way of the formation of a democratically elected all-German government with which the four occupying Powers could proceed to negotiate a peace treaty. It was also to the Commission that the four occupying Powers were expected to give an essential preliminary to the formation of an all-German government.

repose faith in a body that had been set up by an overwhelming majority of its colleagues in the United Nations.

9. In the period between the submission of its first report and before it could make a further attempt to carry out its task, the Commission considered that it would have to be reasonably certain that, at whatever time it did make the further attempt, it would be attended with some prospect of success. The Commission, therefore, was perforce concerned to consider closely developments in the German situation arising out of the exchange of Notes between the USSR on the one hand, and France, the United Kingdom and the United States of America on the other, as well as significant developments inside Germany itself.

10. The series of Notes on the German question exchanged between the USSR and the three Western Powers, it will be recalled, commenced with one from the USSR dated 10 March 1952,¹ by which date the Commission had been in existence and at work for a month. By the time the Commission submitted its first report on 1 May 1952, the USSR had addressed two Notes to the three Western Powers (on 10 March and 9 April² respectively), and the three Western Powers had replied on 25 March³ to the first Soviet Note. Between 1 May and 5 August 1952, the date on which the present report was adopted by the Commission, three further Notes⁴ were exchanged between the four occupying Powers. In none of the six Notes could the Commission discern any agreement whatsoever between the USSR and the three Western Powers as to utilization of the Commission in carrying out an investigation in all of Germany to determine whether existing conditions there made it possible to hold genuinely free elections in that country. Indeed, what became more obvious as a result of the exchange of the series of Notes was the following: (1) that the three Western Powers, while they continued to maintain more or less strongly their preference for the present United Nations Commission, were nevertheless prepared at the same time "to consider any other practical and precise proposals for an impartial commission of investigation which the Soviet Government may wish to put forward, on the one condition that they are likely to promote the early holding of free elections throughout Germany,"⁵ and (2) that the USSR, continuing to maintain its objection to the competence of the United Nations to concern itself with the German question, rejected investigation by the present Commission, while it was agreeable to an investigation by another impartial commission formed by the four Powers occupying Germany.

11. The Commission, at this point, would like to make certain observations. While on the one hand, the Commission derives its authority solely from the General Assembly of the United Nations, on the other hand, entirely dependent on the willingness of all concerned to co-operate unreservedly with it for the execution of its mandate. It has so far been unable to secure this co-operation from the authorities in the Soviet Zone of Germany, and it could not expect to do so in the near future. The Commission, as a United Nations body, is anxious above all for an early, just and equitable solution of the German question, regardless of whether the efforts contributing to such a solution are to be worked out under the auspices of the United Nations or not. The United Nations Commission is confident, would at all times be prepared to appeal for its assistance in the finding of a peaceful solution to the German question. This being its view, the Commission would not suggest that it alone affords the only impartial means of investigating the existing conditions in all of Germany. The Commission does not consider its existence and its work hitherto justified, and its mandate in substance fulfilled, if, by agreement among the four Big Powers, another equally impartial body were to be set up which could and would carry out the essentials of the mandate entrusted to the present United Nations Commission.

12. Apart from its consideration of the situation arising from the exchange of the series of Notes between the USSR and the Western Powers, the Commission, during the last three months, has also been watching with concern reports of internal developments in Germany. These have been such as to afford no hope to the Commission that the German authorities in the Soviet Zone of Occupation will co-operate with it in the execution of its task.

13. At its 23rd meeting held on 11 July, the Commission might perhaps be well for it to wait to consider the USSR's Note of the three Western Powers dated 10 July before submitting the present report and adjourn its session *sine die*. However, after further prolonged deliberation, it decided that the events provided any indication of the nature of things to come, there was little prospect of its being able to carry out its task beyond what it had been able to do in the preliminary preparatory activity. At its 24th meeting held on 31 July, the Commission decided, therefore, to submit its final report and adjourn its session *sine die*, desiring, however, to maintain its headquarters in Paris, in the Palais des Nations, Geneva, until the expiry of its mandate.

at such time as it seems likely to the Commission that it can do so with a prospect of positive results.

14. The following four representatives on the Commission, whose signatures are appended below, unanimously adopted the report at the 25th meeting of the Commission held on 5 August 1952 in the Palais des Nations, Geneva.

<i>Signed:</i>	<i>Brazil</i>	A. MENDES VIANNA
	<i>Iceland</i>	KRISTJÁN ALBERTSON
	<i>Netherlands</i>	M. KOHNSTAMM
	<i>Pakistan</i>	A. H. ABBASI

71. NOTE FROM THE AMERICAN EMBASSY AT MOSCOW TO THE SOVIET FOREIGN MINISTRY, SEPTEMBER 23, 1952¹

The United States Government has carefully considered the Soviet Government's note of August 23 about Germany.² It had hoped that the note would have marked some progress towards agreement on the essential question of free all-German elections. This is the first question which must be settled among the four powers so that Germany can be unified, an all-German Government formed and a peace treaty concluded.

Possibly in order to divert attention from this issue, the greater part of the Soviet note of August 23 is, however, devoted to wholly unfounded attacks upon the Atlantic Pact, the European Defense Community³ and the conventions signed at Bonn on May 26.⁴ As the United States Government has often emphasized, these agreements are purely defensive and threaten no one. The Bonn conventions and the Epc treaty, far from being imposed on the German people, are a matter for free decision by freely elected Parliaments including of course that of the German Federal Republic. Insofar as the Bonn conventions reserve certain strictly limited rights to the three Western powers, a fundamental consideration has been specifically to safeguard the principle of German unity and to keep the door open for agreement with the Soviet Union on the unification of Germany.

The United States Government must insist on the necessity of starting four-power discussions at the only point where they can in fact start, which is the organization of free elections. In its note of July 10,⁵ the United States Government drew attention to the obvious fact that this is the first point which must be settled if any progress

Republic, which constitutes the greater part of German first note, as in its last, the Soviet Government has evaded issue. Instead of putting first things first, it now relegates to the background the problem of elections and proposes that a four-power conference "should discuss in the first place such issues as a peace treaty with Germany and the formation of a German Government". But until elections are held, no all-German Government can be formed, nor can Germany be unified. Until an all-German Government is formed which will be in a position to negotiate freely, it is impossible to discuss the terms of a German peace treaty.

In complete accord with the views of the United States, the United Kingdom Governments, the Soviet Government originally held that "the preparation of the peace treaty should be effected by the participation of Germany in the form of an all-German Government". The Soviet Government has now shifted its ground. It substitutes for this, the participation of representatives of the Soviet zone and the Federal Republic in the four-power meetings "for the discussion of relevant questions". The United States Government cannot accept this proposal. A peace treaty for the whole of Germany cannot be negotiated with, and accepted by, any German representatives other than the all-German Government which would carry it out. Such a government can only proceed from free elections. It is moreover well known that the East German administration is not representative of the German population of the Soviet zone. This fact is not controverted by the assertion in the Soviet note of August 23 that this administration acted "at the request of the German population in enforcing recent measures further dividing Germany". West Germans in defiance of their clear desire for unity.

The United States Government is compelled to remind the Soviet Government that conditions have altered radically since the Potsdam Agreement of 1945,² which laid down certain political and legal principles to govern the initial control period. The Soviet proposal of a peace treaty drafted by the four powers and imposed on Germany is entirely unsuitable in 1952. The United States Government could never agree to a peace treaty being drafted or imposed without the participation of an all-German Government. Such a procedure would mean a dictated treaty. That indeed is "an insult to the German nation".

The United States Government again insists that general elections with a view to the formation of an all-German Government must come first. It has however learned by hard experience in recent years that terms such as "free elections" have one meaning

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German people to choose between these alternative ways. But they must be able to make their choice in genuine freedom and full responsibility. Only genuinely free elections can reflect the will of the German people and permit the formation of an all-German Government with the necessary freedom of action to discuss and accept a peace settlement.

In order to create the conditions necessary for free elections, there has been a four-power agreement that there should be a commission of investigation. The Soviet Government has now proposed that this commission should be composed of representatives of the Presidium of the Assembly of the "German Democratic Republic" and of the Bundestag of the German Federal Republic. A commission of this kind must, however, be genuinely impartial. A German commission would be no more able than a four-power commission to meet this requirement. The underlying principle of the present Soviet proposal was contained in one which emanated from the Soviet Union on September 15, 1951.¹ This was rejected by the Bundestag. The Soviet then suggested investigation by a United Nations Commission. This was thus the freely elected representatives of fifty million German people who themselves proposed the creation of a commission of investigation under United Nations supervision. Nevertheless, the United States Government repeats its readiness to discuss any practical and precise proposals, as stated in its note of July 10 of July.

The United States Government continues to seek a way to achieve a peaceful division of Germany. This will not be accomplished by continuing discussions about a peace treaty with a Germany not yet unified and lacking an all-German Government. The United States Government therefore renews the proposal made in its note of July 10 of July at the four-power meeting—which could take place in October—concerning the composition, functions and authority of an impartial commission of investigation with a view to creating the conditions necessary for free elections. The next step would be to discuss the arrangements for the holding of these elections and for the formation of an all-German Government, as proposed in paragraph 11 (IV) of the United States Government's note of May 13. When free elections are held and an all-German Government formed, the peace treaty can be negotiated. The United States Government, in consultation with the French Government and the United Kingdom Government, and after consultation with the German Federal Government, the German Democratic German authorities in Berlin, most earnestly urges the Soviet Government to reconsider its refusal to join the other powers in a

E. AUSTRIAN STATE TREATY NEGOTIATION, 1950-1953

72. DECLARATION BY THE FOREIGN MINISTERS OF THE UNITED STATES, THE UNITED KINGDOM, AND FRANCE MAY 19, 1950¹

The Governments of the United States, the United Kingdom and France reaffirm that their policy with respect to Austria requires the earliest possible completion of an Austrian treaty which will lead to the restoration of a free and independent Austria in accordance with the pledge given in the Moscow Declaration of November 1943,² and to the withdrawal of the forces of occupation.

To this end the three Governments are ready at any time to settle without delay all outstanding issues of the treaty, provided that this will definitely bring about agreement on the treaty as a whole. If, however, the unwillingness of the Soviet Government to settle all outstanding issues continues to prevent the conclusion of the treaty, the occupation will have to be maintained for the present. But the three Governments are themselves prepared to carry out such measures as may properly be taken to strengthen within the framework of existing quadripartite agreements the authority of the Austrian Government and to lighten the burden of the occupation on Austria.

In accordance with the provisions of Article 9 of the control agreement of June 28, 1946,³ the three Governments have decided to proceed at any early date to the appointment of civilian High Commissioners.

73. NOTE FROM THE AMERICAN AMBASSADOR AT MOSCOW⁴ TO THE SOVIET MINISTER OF FOREIGN AFFAIRS, JUNE 12, 1950⁶

I have the honor to refer to the situation in which the deputies for the Austrian treaty negotiations have been unable to reach agreement on the terms of an Austrian state treaty. It will be recalled that Austrian independence was pledged in the Moscow Declaration of 1943,⁷ and my Government regrets exceedingly the failure to reach an agreement which would result in the fulfillment of this pledge.

The Foreign Ministers of the United Kingdom, France, and the United States at their meeting in London on May 18 reaffirmed that their policy with respect to Austria requires the earliest possible

of a free and independent Austria in accordance with the pledge given in the Moscow Declaration and to the withdrawal of the force of occupation. The three governments further agreed that they are ready at any time to settle without delay all outstanding issues of the treaty, provided that this will definitely bring about agreement on the treaty as a whole.¹

In the absence of a treaty, the three governments agreed that they are prepared to carry out such measures as may properly be taken to strengthen, within the framework of existing quadripartite agreements, the authority of the Austrian Government and to lighten the burden of the occupation on Austria to the greatest extent possible as requested by the Austrian Government in recent notes to the occupying powers.² The three Foreign Ministers further agreed to proceed at an early date to appoint civilian high commissioners in Austria in accordance with the provisions of Article 9 of the Control Agreement of June 28, 1946.³

My Government would be pleased if the Government of the Soviet Union, pending final decision on the treaty, would associate itself with the program determined upon by the three Foreign Ministers. In the meantime, my Government will, on its part, as a first step in such a program, proceed at an early date to designate a civilian high commissioner to replace its present military commander in Austria and hopes that the Soviet Government will take similar action.

74. STATEMENT TO THE PRESS BY THE SECRETARY OF STATE, JULY 12, 1950 ⁴

The deputies for the Austrian treaty negotiations met in London on July 10 for their 256th meeting. In obvious preparation for this meeting, the Soviet Government on July 8 sent to the American Embassy in Moscow a second note⁵ regarding the Allied position in Trieste. This second note merely repeats the unfounded allegation in the Soviet note of April 20.⁶

This Government's reply of June 16⁷ adequately answered those allegations. There is, of course, no valid reason for linking the two questions, but, true to the Soviet propaganda pattern, the Soviet deputy for the Austrian treaty negotiations, at the July 10 meeting instead of discussing the remaining unagreed articles of the Austrian treaty, utilized the meeting to read a prepared statement on Trieste.

This Soviet action once again emphasizes that the Soviet Govern-

ment does not wish to conclude an Austrian treaty despite the pledge which it made in the Moscow Declaration to reestablish Austria as a free and independent nation. of the Western deputies to negotiate and conclude the unsuccessful and, in view of the impasse, the deputies with the Western deputies agreeing to meet again on September 7. The Soviet deputy stated that it would be necessary for to his Government for consideration the Western proposal again on September 7.

The British, French, and United States Foreign Ministers at their meeting in London last May² that their respective Governments are ready at any time to settle without delay all issues of the treaty provided that this will definitely agree on the treaty as a whole. The principles agreed the three Foreign Ministers were communicated to the Government on June 12³ in the hope that the Soviet would agree to associate itself with the program and definite progress in the solution of the Austrian problem be achieved. No reply has been received from the Soviet Government to this approach.

The only true basis on which Austria can exercise full is by four-power agreement and the withdrawal from Austria all forces of occupation. It is fundamental that the Government of the United States desires the achievement of this objective.

Soviet actions designed to prevent conclusion of the treaty must necessarily result in a delay in the fulfillment of our desire, with which this Government is in full sympathy, complete independence. Under these circumstances Western Governments are endeavoring, within the framework of existing four-power agreements, to carry out such measures properly be taken to strengthen the authority of the Austrian Government and to lighten Austria's occupation burdens.

It should be borne in mind, in this connection, that the heretofore taken or to be taken by this Government to lighten Austria's occupation burdens are not regarded as a substitute for a treaty. Our actions, in this respect, are endeavors only to take such constructive measures as may properly be taken pending conclusion of the treaty, to fulfill our obligations under the Four Big Powers Agreement of 1946⁴ which provides that the Allied Control Authority in Austria shall assist the freely elected Government of Austria to recreate a sound and democratic national life and to assure as possible full control of its own affairs of state.

¹ *A Decade of American Foreign Policy*, p. 11.

² See the tripartite declaration of May 19 1950; *supra*, doc. 72.

³ *Supra*.

⁴ Agreement of June 28, 1946; *A Decade of American Foreign Policy*.

75. STATEMENT RELEASED TO THE PRESS BY THE DEPARTMENT OF STATE, DECEMBER 15, 1950¹

Once again, the deputies for the Austrian treaty have failed to make any progress because the Soviet representative persists in introducing irrelevant issues in order to avoid discussing the few and relatively minor articles of the treaty which remain unagreed. For over a year, the Soviets, by a series of stalling devices, have refused to discuss concrete issues. Again, they have used the Austrian discussions to talk about Trieste, an entirely unrelated matter.

This development was hardly a surprise, in view of past Soviet tactics. The report, spread earlier this week, that the Soviets had requested the meeting, was incorrect—they merely agreed to a meeting proposed weeks ago by the Western deputies.

The United States remains determined to do all in its power to conclude an Austrian treaty but such a treaty is impossible until the Soviets agree and withdraw their occupation forces. Until they do so, the United States will be forced to keep its troops in Austria and will continue to live up to its obligations there. Unfortunately, the Austrians are still denied the freedom and independence which were long ago promised to them.

76. STATEMENT TO THE PRESS BY THE UNITED STATES HIGH COMMISSIONER,² OCTOBER 31, 1951³

The suggestion of the Austrian Government⁴ that the Deputy Foreign Ministers of the four occupying powers meet as early as possible to reach a definite agreement on the state treaty is particularly gratifying to me. It is consistent with the unswerving policy of the United States Government to terminate the occupation of Austria by means of a state treaty and is also in keeping with the statement of the Foreign Ministers of the United Kingdom, France, and the United States in Washington on September 14.⁵

The United States Government remains firm in its conviction that the four occupying powers should sign and implement the state treaty without further delay and restore Austria to its rightful position as a sovereign nation. The people of Austria can continue to count upon the unqualified support of the United States Government in fulfilling the pledge undertaken at Moscow on November 1, 1943 for the restoration of a free and independent Austria.

I personally feel that the Soviets again have the opportunity to

restored to his full independence and occupation is to be or this unfair occupation will continue.

There can be no doubt in the minds of the Austrian people that the United States Government has and will continue to press for the conclusion of the state treaty and withdrawal of troops from Austria. But, as I have said before, the United States will not withdraw its troops until all of the occupying powers are prepared to do likewise.

77. NOTE FROM THE SECRETARY-GENERAL OF THE AUSTRIAN TREATY DEPUTIES TO THE SOVIET EMBA- SY IN LONDON, JANUARY 24, 1952¹

I have the honor to state that I have been requested by the Austrian Treaty Deputies for the United Kingdom, the United States of America to inform you as follows:

The three Deputies have taken note that the Soviet Government wishes to give further study to their communication of January 18, 1952, and that in the meanwhile a Soviet representative is unable to attend a meeting of the Deputies for the Austrian Treaty.³

The three Deputies recall that a representative of the Soviet Government was invited on December 28, 1951 to attend such a meeting on January 21, 1952. On the eve of the proposed meeting the Soviet Government sent a reply⁴ making the attendance of the Soviet Deputy dependent on an assurance by the Western Deputies that they would agree to discuss certain issues having no bearing on the conclusion of the Treaty. For nearly two years the Soviet Government has delayed agreement on the Treaty by his insistence on the consideration of these issues. The situation has now become further aggravated by the Soviet Government making acceptance of these conditions a prerequisite to a meeting.

The three Deputies regret that the failure of the Soviet Government to take part in the proposed meeting is continuing to delay the conclusion of the Austrian Treaty. Persistence of the Soviet Government in its present attitude would inevitably lead to the conclusion that the Soviet Government is deliberately seeking to obstruct the completion of the Austrian Treaty and the restoration of independence to the Austrian people.

The three Deputies still hope that a Soviet representative will be able to attend a meeting at an early date for the purpose of concluding the Treaty. The chairman remains ready to call a meeting of the Deputies as soon as this can be mutually agreed.

¹ Department of State *Bulletin*, Feb. 4, 1952, p. 160.

² *Ibid.*, Mar. 3, 1952, p. 327.

³ See the Soviet note of Jan. 21, 1952; *ibid.*

⁴ See the Soviet note of Jan. 18, 1952; *ibid.*, pp. 326-327.

78. STATEMENT BY THE GOVERNMENTS OF THE UNITED STATES, THE UNITED KINGDOM, AND FRANCE, FEBRUARY 28, 1952¹

The Governments of France, the United Kingdom, and the United States of America are seriously concerned that arrangements which had been made for discussion by the deputies for the Austrian treaty to take place on the 21st of January for the purpose of concluding the treaty, were frustrated owing to the failure of the Soviet deputy to attend.²

The three Governments recall that Austria, the first country to be occupied by Hitler, was promised her freedom and independence in a declaration made in Moscow in the name of the Governments of the United Kingdom, the United States of America, and the Union of Soviet Socialist Republics in 1943.³ France associated herself with this declaration on the 16th of November 1943.⁴ The Government then announced their determination that Austria should be liberated from German domination and reestablished as a free and independent country. Yet 8 years afterwards and despite 258 meetings of the deputies to conclude the treaty, Austria has not yet regained her full independence. Her laws are submitted to a foreign body before being passed, her communications are controlled and censored, and, above all, her territory is divided into zones occupied by foreign troops with all the economic and moral hardship on the Austrian people that this implies.

The Austrians ardently desire to see terminated a state of affairs which should rightly have ended long ago. The three Governments fully share this aspiration and consider that renewed efforts should be made to solve a problem with which the world ought no longer to be confronted. They are, therefore, urgently examining new proposals so that the Four Powers may be enabled to fulfill their pledge made in the Moscow Declaration to restore to Austria her full freedom and independence.

¹ Department of State *Bulletin*, Mar. 10, 1952, pp. 379-380. In releasing the above statement at Washington, the Department of State emphasized that no consideration is being given to the conclusion of a separate treaty for Austria without Soviet participation. [Footnote in *Bulletin*.]

² See note of Jan. 24, 1952, from the Secretary-General of the Austrian Treaty Deputies to the Soviet Embassy at London; *supra*.

³ Declaration on Austria, Nov. 1, 1943; *A Decade of American Foreign Policy*, p. 11.

⁴ *Recueil de textes à l'usage des conférences de la paix* (Paris, 1946), p. 123.

79. NOTE FROM THE AMERICAN EMBASSY AT M THE SOVIET FOREIGN MINISTRY, MARCH 1

On February 28 the Governments of the United Kingdom, the United States of America, and France publicly expressed concern that the discussions of the Austrian Treaty by the plenipotentiaries planned for January 21, for the purpose of concluding a settlement, were frustrated owing to the failure of the Soviet Deputies to attend. They recalled that Austria, the first country to be occupied by the Soviet Union, was promised full independence in the Moscow Declaration, but that nearly 9 years afterwards this promise has not been fulfilled.

Responsibility for this state of affairs lies squarely on the Soviet Government. The Four Foreign Ministers reached Geneva on June 20, 1949 on the basic issues involved in the settlement and instructed their Deputies to complete negotiations by the draft Treaty no later than September 1, 1949.⁴ Since that time the Soviet Government has studiously evaded its obligations under the Austria undertaken in the Moscow Declaration. The Soviet Government has refused to engage in constructive negotiations concerning the outstanding issues in the draft Treaty, has introduced new issues, and did not send its representative to attend the meeting of the Deputies.

The Government of the United States considers that the failure to reach an Austrian settlement has placed a heavy and unnecessary burden on the Austrian people and has contributed materially to the maintenance of the dangerous tensions which unhappily prevail in international relations. It is the most earnest desire of the United States to do everything within its power to remove these tensions. The conclusion of an Austrian Treaty would constitute an important step toward the consolidation of peace in Europe.

This Government, in concert with the Governments of the United Kingdom and France, has now examined the Austrian proposal. The three Governments are in agreement that the paramount consideration of the powers occupying Austria is to restore Austria to full and complete independence in accordance with the Moscow Declaration. The three Governments are also agreed that this fundamental principle to the Austrian people is vastly more important than any other and extraneous considerations which have since June 1945 been advanced in connection with the agreement on the Treaty. Accordingly, the Government of the United States desires to propose to the Soviet Government that it should sign an instrument which will give Austria full independence.

posal should be examined in the light of the impasse in negotiation on the draft Treaty and the progress of Austria toward democratic self-government during the prolonged occupation. The Soviet Government will note that it conforms to the Moscow Declaration and contains the essentials which are required to reestablish Austrian independence.

The Government of the United States earnestly recommends that the Soviet Government give this proposal most careful and serious consideration and inquires if the Soviet Government is prepared to instruct its Deputy to renew negotiations.

80. THE ABBREVIATED DRAFT TREATY WITH AUSTRIA MARCH 13, 1952¹

The Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and France, hereinafter referred to as "the Allied and Associated Powers," of the one part, and Austria, of the other part;

WHEREAS on March 13, 1938, Hitlerite Germany annexed Austria by force and incorporated its territory in the German Reich;

WHEREAS in the Moscow Declaration of November 1, 1943,² the Governments of the Union of Soviet Socialist Republics, the United Kingdom and the United States of America declared that they regarded the annexation of Austria by Germany on March 13, 1938 as null and void and affirmed their wish to see Austria reestablished as a free and independent State and the French Committee of National Liberation made a similar declaration on November 16, 1943;

WHEREAS as a result of the Allied victory Austria was liberated from the domination of Hitlerite Germany;

WHEREAS the Allied and Associated Powers, and Austria, taking into account the importance of the efforts which the Austrian people themselves have made and will have to continue to make for the restoration and democratic reconstruction of their country, desire to conclude a treaty reestablishing Austria as a free, independent and democratic State, thus contributing to the restoration of peace in Europe; and

WHEREAS the Allied and Associated Powers and Austria are desirous for these purposes of concluding the present Treaty to serve as the basis of friendly relations between them, thereby enabling the Allied and Associated Powers to support Austria's candidature for

Have therefore appointed the undersigned Plenipotentiaries, after presentation of their full powers, found in good and due form, to have agreed to the following provisions:

ARTICLE 1

Reestablishment of Austria as a Free and Independent State

The Allied and Associated Powers recognize that Austria is to be reestablished as a sovereign, independent and democratic state.

ARTICLE 2

Preservation of Austria's Independence

The Allied and Associated Powers declare that they will preserve the independence and territorial integrity of Austria and will not enter into any agreement which might impair the independence of Austria under the present Treaty.

The Allied and Associated Powers declare that political union (*Anschluss*) between Austria and Germany is prohibited. Austria fully recognizes its responsibilities in this matter.

ARTICLE 3

Frontiers of Austria

The frontiers of Austria shall be those existing on January 1, 1918.

ARTICLE 4

Withdrawal of Allied Forces

1. The Agreement on the Machinery of Control of Austria, signed at Vienna on June 28, 1946,¹ shall terminate on the coming into force of the present Treaty.

2. On the coming into force of the present Treaty, the Allied Governing Authority (*Komendatura* [*Kommandatura*]) established under paragraph 4 of the Agreement on Zones of Control in Austria and the Administration of the City of Vienna of 1945 shall cease to exercise any functions with respect to the administration of the City of Vienna. The Agreement on Zones of Control in Austria shall terminate upon completion of the withdrawal of the forces of the Allied and Associated Powers and in any event on the expiration of ninety days from the coming into force of the present Treaty.

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mission for Austria pending their withdrawal from Austria, rights, immunities and facilities as they enjoyed immediately before the coming into force of the present Treaty.

5. The Allied and Associated Powers undertake to restore to the Government of Austria within the specified period of 90 days:

(a) All currency which was made available free of charge to the Allied and Associated Powers for the purpose of the occupation of Austria, which remains unexpended at the time of completion of the occupation of the Allied forces;

(b) All Austrian property requisitioned by Allied forces, and which is still in their possession.

ARTICLE 5

Reparation

No reparation shall be exacted from Austria arising out of the existence of a state of war in Europe after September 1, 1939.

ARTICLE 6

War Booty—German Assets

Each of the Allied and Associated Powers shall, within the time period specified in Article 4, relinquish to Austria all real and personal, of whatever description held or claimed by them as German Assets or as war booty in Austria.

ARTICLE 7

Accession Clause

1. Any member of the United Nations at war with Germany which had the status of a United Nation on May 8, 1945, and which was not a signatory to the present Treaty, may accede to the Treaty. Upon accession shall be deemed to be an Associated Power for the purposes of the Treaty.

2. Instruments of accession shall be deposited with the Government of the Union of Soviet Socialist Republics and shall be open to deposit.

ARTICLE 8

Ratification

With respect to each Allied and Associated Power w to the Treaty in accordance with Article 7, and whose i ratification is thereafter deposited, the Treaty shall con upon the date of deposit. The present Treaty shall be the archives of the Government of the Union of Sov Republics, which shall furnish certified copies to each of t States.

In faith whereof the undersigned Plenipotentiaries have present Treaty and have affixed thereto their seals.

Done in the city of _____ in the Russian, English and German languages this _____ day of _____, 1955

81. NOTE FROM THE AMERICAN EMBASSY AT MOSCOW TO THE SOVIET MINISTRY OF FOREIGN AFFAIRS, MARCH 13, 1952¹

The Government of the United States refers to its note of March 13² in which it proposed that the four powers immediately reach a settlement which would fulfill the pledge made to the Austrians in 1943 that their independence would be restored.

A draft abbreviated treaty³ was proposed as a basis for the continuation of the negotiations which have been in progress since March 13, 1952, which, despite several hundred meetings of the representatives of the four powers, have not succeeded in reaching final agreement.

This Government considers that its proposal provides a basis for an immediate and equitable settlement in Austria which would remove a source of constant tension in Europe and render justice to the Austrian people.

The Government of the United States requests, therefore, that the views of the Soviet Government on the proposal for an Austrian settlement, as contained in its note of March 13, be made known at the first opportunity.

82. NOTE FROM THE AMERICAN EMBASSY AT MOSCOW TO THE SOVIET FOREIGN MINISTRY, SEPTEMBER 10, 1952

The Government of the United States is pleased to receive the reply of the Soviet Government to its note of March 13, 1952, in which it offers to the Soviet Government a simple instrument which will guarantee the full independence of Austria.

of the proposal made on March 13, 1952. This suggestion is based on four objections, namely, that it fails to provide for free elections as specified in Article 8 of the long draft of the State Treaty, that it fails to guarantee human rights and basic freedoms as specified in Article 7 of the long draft, that it fails to eliminate Nazism as specified in Article 9 of the long draft, and that it fails to provide for the establishment of Armed Forces.¹

With reference to the first three of these points, it is the position of the Government of the United States that none of these provisions in the note of the Soviet Government are required in a settlement designed to terminate the prolonged occupation and to establish the independence of Austria. These points are not required in the Austrian Constitution or in Austrian legislation now in force. Nonetheless, appreciating the careful consideration given by the U.S.S.R. during these past five months to the proposal of March 13, 1952, and anxious, as it has been since the Moscow Declaration of 1943, to restore to Austria full independence, the Government of the United States therefore proposes that there be added to the proposal of March 13, 1952 articles 7, 8, and 9 of the long draft as agreed upon by the four powers.

With reference to the Soviet Government's objections to the proposal of March 13, 1952 in that it passes over the right of Austria to maintain its own national armed forces necessary for the defense of Austria, the Government of the United States considers that the right of a free and independent Austria to maintain armed forces belongs inherently to a free and independent Austria and should not have to be specifically granted to a country that has been considered to have been an enemy. The Soviet Government's objection implies by its reference to the long draft of the State Treaty that the United States wishes to place limitations upon Austria's right to have its own national armed forces for its self-defense. While seeing no need to limit Austrian sovereign rights, the United States Government is prepared in order to reach early agreement and to terminate the occupation of Austria to accept, although reluctantly, the addition of Articles 7, 8, and 9 of the long draft to its proposal of March 13, 1952.

The Government of the United States therefore believes that the way is now clear for the conclusion of an Austrian settlement. The Government of the United States is now prepared to accept the Soviet suggestions regarding the removal of the objection to the proposal of March 13, 1952. The Government of the United States is accordingly prepared for a meeting of the Deputies with the object of initialling the proposal of March 13, 1952 as amended as above in accordance with the suggestions of the Soviet Government's note. Since the United States Delegation is in the chair at the forthcoming meeting, he has requested

83. GENERAL ASSEMBLY RESOLUTION 613 DECEMBER 20, 1952¹

The General Assembly,

Recalling the terms of resolution 190 (III) of 3 November 1948 whereby an appeal was made to the great Powers to renew their efforts to compose their differences and establish a lasting peace;

Recalling the terms of the Moscow Declaration of 1 November 1943 whereby the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America recognized that Austria should be re-established as a free and independent State,

Recalling further that the Government of France joined the above-mentioned Governments in the said declaration on 28 November 1943,⁴

Considering that, in the spirit of the said declaration, the great Powers accepted the responsibility of re-establishing a free and independent Austria, and, to that end, have entered into negotiations towards the conclusion of an Austrian treaty,

Noting with concern that those negotiations, which have been in progress since 1947, have hitherto failed to bring about the proposed objective,

Taking into account that such a state of affairs, still prevailing a lapse of seven years since the liberation of Austria at the end of the Second World War, and arising from the inconclusive results of the aforementioned negotiations, does constitute a source of grave disappointment for the Austrian people, who have by their successful efforts towards the restoration and democratization of their country,

Recognizing that only through the unhampered exercise of the free will of the Austrian people of their freedom and independence can the full attainment of the above-mentioned objective be realized,

Taking further into account that such a state of affairs constitutes a serious obstacle to the full participation by Austria in the normal and peaceful development of the community of nations and the full exercise of the powers of the Austrian people in its sovereignty,

Having in mind that the solution of this problem would constitute an important step towards the elimination of other areas of international tension and therefore towards the creation of conditions favourable to the accomplishment of world peace,

Desiring to contribute to the strengthening of international peace and security and the developing of friendly relations among all peoples in conformity with the Purposes and Principles of the Charter of the United Nations,

a renewed and urgent effort to reach agreement on the terms of an Austrian treaty with a view to an early termination of the occupation of Austria and the full exercise by Austria of the powers inherent in its sovereignty.

**34. NOTE FROM THE AMERICAN EMBASSY AT MOSCOW TO
THE SOVIET FOREIGN MINISTRY, JANUARY 12, 1953 ¹**

The United Nations General Assembly on December 20, 1952 adopted a resolution addressing an earnest appeal to the Government of the Four Powers which occupy Austria to make a renewed and urgent effort to reach an agreement on the terms of an Austrian Treaty with a view to an early termination of the occupation.²

The United Nations General Assembly resolution emphasizes the world-wide support for Austria's plea for the restoration of her full freedom and sovereignty. The United States Government which has in the past urged and continues to urge full Austrian independence and sovereignty not only welcomes this resolution but also considers that it imposes an additional and immediate obligation on each of the Four Powers to give renewed and urgent consideration to the fulfillment of their pledge made in the Moscow Declaration of 1943.

The United States Government for its part urges that every effort be made now to conclude a Four Power Treaty. It is proposed therefore, rather than to continue the sterile exchange of notes, the most recent of which is the Soviet Government's note of September 27, 1952,³ that a meeting of the Austrian Treaty Deputies be held at an early date for the purpose of concluding an Austrian Treaty. Since the United States Deputy⁴ will be in the chair at this meeting he will request the Secretary General of the Austrian Treaty Deputies to issue invitations for an early meeting of the Four Deputies in London.

**35. NOTE FROM THE AMERICAN EMBASSY AT MOSCOW TO
THE SOVIET FOREIGN MINISTRY, JANUARY 29, 1953 ⁵**

The United States Government acknowledges the receipt of the Soviet note of January 27⁶ and wishes to reaffirm its desire to comply with the United Nations General Assembly resolution of December 20, 1952⁷ which called upon the Four Powers to make a renewed and urgent effort to reach agreement on the terms of an Austrian treaty.

with a view to an early termination of the occupation of the full exercise by Austria of the powers inherent in her.

With this purpose in mind, the United States Government meeting of the treaty deputies for January 30 in London conclude an Austrian treaty. The United States Government that the Soviet Government declares its readiness subject to certain conditions, to take part in a meeting to discuss the problem. The United States Government for its part does not consider it appropriate to impose prior conditions, as proposed by the Soviet Government, as to the scope of these discussions. It declares its readiness to discuss, without prior conditions, any and all matters relevant to the speedy conclusion of a treaty. To that end, it extends the invitation to the Soviet deputy to attend a meeting on January 30 but is prepared if the Soviet Government should prefer, to postpone the meeting until February 6.

86. STATEMENT TO THE PRESS BY THE DEPARTMENT OF STATE, FEBRUARY 10, 1953¹

[In answer to questions concerning the meetings of the treaty deputies at London on February 6 and February 9, 1953, Mr. McDermott, Special Assistant for Press Relations, made the following statement:]

Andrei Gromyko furnished further proof that the Soviet Government has no intention of concluding an Austrian treaty and of allowing Austria continue as an occupied country. During yesterday's meeting, the Western deputies had repeated the simple fact that they had met to agree on an Austrian treaty. The French chairman [Mr. de Crouy-Chanel] suggested that anything could be done to reach an agreement would lead to a treaty. He proposed that the long draft be discussed inasmuch as he assumed that the Soviet Government had expressed its readiness to conclude a treaty on the basis of the draft only.

Mr. Gromyko, however, again insisted that no discussion take place until the so-called abbreviated treaty² was completed. He refused to be budged even after the Western deputies threatened that they might withdraw the abbreviated treaty if a just and honorable treaty could be concluded on any other basis, including the draft, without further delay. The Western deputies in fact proposed that discussion begin by going through that draft. When the Soviet representative said no more could be done,

87. JOINT NOTE FROM THE AMERICAN, BRITISH, AND FRENCH DEPUTIES FOR THE AUSTRIAN TREATY¹ TO THE SOVIET DEPUTY,² MAY 26, 1953³

In his letter of the 25 May⁴ to the Secretary General of the Deputies for the Austrian Treaty, the Soviet Deputy alleged that a meeting of the Treaty Deputies could be called only at the request of the Council of Foreign Ministers, and asserted that there were no grounds for believing that the meeting called for the 27 May would be successful. The Deputies of France, the United Kingdom and the United States fail to understand the Soviet Deputy's position. It is the assigned task of the Deputies to draft an Austrian Treaty. All but a few of their 260 previous meetings were called without specific instructions from the Council of Foreign Ministers. Moreover, at the last meeting of the Deputies on February 9, 1953, the Soviet Deputy agreed to an adjournment with the understanding that the next meeting would be called by the United Kingdom Chairman at an early date.

The three Deputies consider unwarranted the assumption by the Soviet Deputy that the meeting proposed would not lead to the conclusion of an Austrian Treaty. At the last meeting they made it perfectly clear they were prepared to accept any treaty in terms which would ensure Austria's political and economic independence. They are convinced that, given goodwill on the Soviet side, it would still be possible to conclude such a treaty.

The three Deputies deeply regret the refusal of the Soviet Deputy to meet and are reporting the position to their respective governments.

88. NOTE FROM THE AMERICAN AMBASSADOR AT MOSCOW⁵ TO THE SOVIET FOREIGN MINISTER,⁶ JUNE 11, 1953⁷

The Ambassador of the United States presents his compliments to the Minister for Foreign Affairs of the Union of Soviet Socialist Republics and, under instructions from his Government, has the honor to communicate the following:

The United States Government has learned with regret of the refusal of the Soviet Deputy to attend the meeting of Deputies for the Austrian Treaty called for the 27th of May by the United King-

dom Chairman.¹ The United States Government concerned that it is now nearly ten years since the Austrians promised the restoration of their freedom and independence in the Moscow Declaration.² It is more than eight years since the hostilities in Europe made possible the fulfillment of the promise. The United States Government cannot accept as a condition this further delay in the conclusion of an Austrian Treaty on which the Soviet Deputy has based his refusal to attend the meeting.

In 1949 the United States Government, together with the United Kingdom Governments, agreed to meet for discussion on major outstanding issues of the treaty provisions. A decision could be reached on it as a whole.³

Since that time, the Soviet Government has put forward many obstacles which have prevented substantive negotiations. The Governments of the United Kingdom, the United States and France have repeatedly made it clear that they will not accept any treaty which would ensure Austria's political and economic independence.

It was in that spirit that the representatives of the United Kingdom, the United States and France were ready in the early 27th of May to attend the meeting called in the early 27th of May as agreed at the previous meeting. The Soviet Deputy did not attend and proposed instead that consideration of the Treaty be continued through diplomatic channels.

The conclusion of an Austrian Treaty is not a question of procedure but rather of good will. To avoid further delay and to enable the Deputies to complete the work of the Treaty the United States Government requests the Soviet Government to inform it of the exact text of the treaty which the Soviet Government is prepared to conclude in order to ensure the political and economic independence of Austria.

¹ See the Soviet note of May 25, 1953 (Department of State, 1953, p. 815) and the tripartite note of May 26, 1953 (*supra*).

² Declaration on Austria, Nov. 1, 1943; *A Decade of American Foreign Policy*, p. 11.

³ See communiqué of June 21, 1949; *ibid.*, p. 112.

F. NEGOTIATIONS REGARDING GERMANY AUSTRIA, AND EUROPEAN SECURITY, 1953-1954

89. NOTE FROM THE UNITED STATES GOVERNMENT TO THE SOVIET GOVERNMENT, JULY 15, 1953¹

The development of the international situation and the recent events in Eastern Germany and in Berlin have intensified the universal desire to see peace more firmly established and to ease existing tensions in a way consistent with the fundamental right to freedom.

While recognizing the fact that enduring peace can only be ultimately assured when certain basic problems, such as controlled disarmament, can be dealt with, the United States Government desires to dispose now of those problems which are capable of early solution.

The conclusion of the German and Austrian treaties which are long overdue clearly constitutes an essential element of the European settlement which the United States Government regards as a major contribution to peace.

A German peace treaty can only be negotiated with the participation of a free and representative all-German Government in a position freely to discuss such a treaty. Such a government can only result from free elections.

The conditions under which such a Government should be formed and enjoy full liberty of action, constitute a problem which is capable of early solution if there is good will on all sides. It is equally clear that no real progress can be made toward a general relaxation of tension in Europe so long as this problem remains unsolved.

In its notes to the Soviet Government, the last of which is that of September 23, 1952,² to which no answer has yet been received, the United States Government made constructive proposals, which were fully reflected in the resolution of the German Bundestag of June 10th of this year.³ These proposals are designed to satisfy the unanimous desire of the German people for unity in freedom.

Mindful of the even greater urgency which the recent events have given to German unification, the United States Government is determined to make a new effort so as to bring to an end the abnormal situation to which the German people is subjected. It has therefore decided, after consulting the German Federal Government and the German authorities in Berlin, to propose to the Soviet Government at the meeting of Foreign Ministers of France, the United Kingdom, United States, and the Soviet Union, this question of finding a solution

might begin about the end of September at a place to be agreed. The subjects for discussion should be the following:

(1) The organization of free elections in the Federal Republic of Germany, and in Berlin. This would include discussion *inter alia* of the necessary guarantees for free movement, freedom of action for political parties, free press, and the enjoyment of the basic freedoms by all Germans before, during and after elections.

(2) Conditions for the establishment of a free all-German Government, with freedom of action in internal and external affairs.

These are essential steps which must precede the opening of discussions with the Soviet Government for a German peace settlement itself a major element of a general settlement.

The United States Government also considers that a meeting agreement should finally be reached on the Austrian question.

90. NOTE FROM THE AMERICAN EMBASSY AT MOSCOW TO THE SOVIET FOREIGN MINISTRY, AUGUST 12, 1953

The United States Government has examined with interest the note of July 30² in which the Soviet Government indicated that it was prepared to resume discussion of a treaty for Austria if the Soviet "proposed treaty"³ were withdrawn from consideration.

In their notes of June 11⁴ the Governments of the United Kingdom, the United States and France stated clearly, as they have already done on a number of previous occasions, that they were prepared to accept any treaty which would insure Austria's political and economic independence and requested the Soviet Government to inform them of the exact text of the treaty which the Soviet Government was prepared to conclude. The Soviet Government has not responded to this request. Furthermore the Soviet Government has declined to attend the meeting of the Austrian Treaty Conference called for May 27, in London.

The United States Government suggested in its note of July 30 that the Austrian treaty should be discussed at the meeting of the four Foreign Ministers. But in view of the Soviet Government's note of July 30, and so as to conclude an Austrian treaty as soon as possible, the United States Government proposes that a meeting of Deputies be convened in London on August 31, 1953, to discuss and discharge their obligation to report on this matter to their respective Governments.

a treaty for Austria which will insure Austria's political and economic independence, the United States Government undertakes not to introduce for consideration the abbreviated treaty. In making this proposal the United States Government assumes that the Soviet Government will be prepared in fact promptly to conclude an Austrian treaty and accordingly that the reference to a relationship between a German peace settlement and an Austrian treaty in the final paragraph of the Soviet Government's note of August 4¹ should not be construed as deferring any hope of an Austrian treaty until other unrelated conditions are met.

91. NOTE FROM THE UNITED STATES GOVERNMENT TO THE SOVIET GOVERNMENT, SEPTEMBER 2, 1953²

1. The United States Government, in its customary close consultation with the Governments of the United Kingdom and France, has carefully studied the Soviet Government's notes of August 4 and 15, 1953,³ which were in reply to proposals presented on July 15⁴ by the three Western powers. The Government of the German Federal Republic and the German authorities in Berlin have also been consulted.

2. The United States Government has no intention once again to refute the Soviet Government's criticisms of policy followed by the three powers, nor of thus prolonging a sterile discussion which can only be harmful to the cause of peace.

3. The United States Government therefore fully reserves its position in regard to the various allegations in the Soviet notes of August 4 and 15, and will confine its comments to the problems of an urgent nature which arise in connection with the meeting of the Foreign Ministers proposed in its note of July 15.

4. Real progress toward peace and toward a lessening of international tension would be achieved were it possible to find an early solution of some of the existing problems concerning Germany and to conclude the Austrian state treaty. It therefore appears desirable that the meeting of the Foreign Ministers should devote itself to these problems; whereas to inject into the discussion a series of other complex questions, as proposed by the Soviet Government, could only delay and prejudice the success of the talks. A solution of the German and Austrian problems could be expected to pave the way for fruitful discussion of other major questions. The United States Government also wishes to point out that the study of some of these

Republic will be represented.¹ The latter's participation posed meeting of Foreign Ministers of the four powers therefore be justified.

5. The Soviet Government has suggested a procedure with the German problem which appears complicated, and such a basis could, at best, only be long drawn out. Government's note of August 15 envisages, in effect, a series of free elections in the Federal Republic, in the East Germany, and in Berlin. An All-German Government would be based on the will of the people as expressed in free elections. It would not be qualified to take vital decisions affecting the future of the United Germany. The problem of free elections is thus separated from any all-German settlement. The United States Government therefore considers that the meeting of the Foreign Ministers should concentrate itself to the German problem, the solution of which is a part of a world settlement, and concentrate in the first place on the question of free elections and the status of the future German Government.

6. Furthermore, it must be pointed out that when the United States Government proposed, in its note of July 15, that the question of free elections be considered first, it did not make any promise that an investigating commission be established. It seems that on this point the Soviet Government has misinterpreted the terms of this note.

7. The United States Government has never considered the re-establishment of freedom and independence of Austria on the terms of the Moscow declaration of November 1943.² Austria, considered as a liberated country, should be dependent upon the United States toward a solution of the German problem. It considers that the two problems are quite distinct. In its view nothing should prevent the conclusion of an Austrian treaty. It therefore considers the failure of the Soviet Government to accept its proposal for an Austrian treaty deputies should meet on August 31. It remains the hope of the United States Government that the Foreign Ministers will be able to agree on the Austrian state treaty and that they themselves meet.

8. The United States Government is convinced that a settlement more likely to be made by discussion of these problems will require further exchange of notes. Consequently, it renews its invitation to the Soviet Government to participate in a meeting of Foreign Ministers which could take place on October 15. It understands that this would be agreeable to the Swiss Government.

¹ See *infra*, pp. 2685-2693 and 2695-2701.

² *A Decade of American Foreign Policy*, p. 11.

³ See the American note of Aug. 17, 1953, to the Soviet Government.

92. STATEMENT TO THE PRESS BY THE SECRETARY OF STATE, SEPTEMBER 3, 1953 ¹

The continued partition of Germany is a scandal. It is more than that. It is a crime. Originally, there were four zones of occupation, one each for Britain, France, the United States, and the Soviet Union.² This was designed as a convenient way for the Allies to administer the first phases of the surrender terms.³ It was never intended that Germany should be indefinitely partitioned. Britain, France, and the United States over 4 years ago put their zones together. The Soviet Union has stubbornly held on to the part of Germany it occupies.

This is not only wrong to the Germans; it is a menace to the peace. The Germans in the Soviet zone, now cut off from their fellows for over 8 years and subjected to the despotic rule of Soviet puppets, are becoming increasingly restless. Their pathetic economic plight is shown by the eagerness with which they seek the food packages made available to them in West Berlin. They have sought these by the millions, even at great personal risk. Their growing resentment at their rulers is shown by the riots and strikes which led even unarmed Germans with stones to seek to resist the Red Army tanks which were sent to subdue them.

Now, in an effort to curry favor with the Germans, particularly having in mind the coming elections,⁵ the Soviet leaders have made another of a long series of propaganda gestures in giving lip service to the idea of German unity. However, they have surrounded this with conditions which would effectively nullify any practical result. For example, in their note of August 4,⁶ the Soviet Union proposed that Communist China should be brought into Foreign Ministerial consultations dealing with such proposals as that of German unity. It is hard to conceive of any proposition better calculated to prevent any constructive result. Surely the solution of Germany should not be subordinated to a solution of China nor should the fate of Germany be left to Chinese Communists.

The Soviet Union has also said that before there could be German unity, there must be a German peace treaty and that its own puppet regime in East Germany must participate in the making of that peace treaty.

A peace treaty with the Allies, including the Soviet Union, when German sentiment was purportedly represented by the Soviet puppet regime in East Germany, would hardly be a peace treaty which gave genuine expression to the wishes of the Germans. Such a treaty

It is the view of Great Britain, France, and the United States that the first step for the solution of the problem of Germany is to have all-German free elections to bring about unification. When that has happened, then there will be a truly representative German government and then the Allies can make a peace treaty which, if accepted by the all-German Government, will have a true endorsement on the part of the German people which they can be expected to honor.

In the hope of bringing this matter to a prompt solution, the three Western allies have proposed a meeting with the Soviet Union on October 15 to discuss in the first instance the establishment, by all-German free elections, of a government which would unify Germany. We also hope at that meeting to conclude an Austrian peace treaty.

In the interest of speed the three Western allies have eliminated from their note ¹ all controversial matter and have not attempted to submit the vast series of arguments and implications contained in the two preceding Soviet notes of August 4 and August 15.² Our proposal is simple—a meeting on October 15 which would concentrate in the first instance on the question of free elections and the status of the future German government. This is what the Germans themselves want, as shown by the Bundestag resolution of June 10,³ adopted with the support of all political parties, except the Communists.

The response of the Soviet Union to this proposal will be another test of whether the Soviet Union desires in good faith to solve outstanding problems which threaten international peace and which create grave international tension. We hope for a favorable response.

3. NOTE FROM THE AMERICAN AMBASSADOR AT MOSCOW ⁴ TO THE SOVIET FOREIGN MINISTER,⁵ OCTOBER 18, 1953 ⁶

1. The United States Government in its customary close consultation with the Governments of the United Kingdom and France, has carefully studied the Soviet Government's reply of September 22 to the proposals of the three Western powers for a four-power meeting at Lugano on October 15. The Government of the German Federal Republic and the German authorities in Berlin have also been consulted.

2. A satisfactory settlement of the problems relating to Germany and Austria is clearly essential for any real and lasting relaxation of international tension and is vital to the future of the people of those countries. The United States Government, recalling its earlier no-

of July 15¹ and September 2,² is firmly of the opinion that real progress towards a solution of major international questions, including the problem of European security, can be made by frank discussions of Germany and Austria at a meeting of the Foreign Ministers of the U.S., U.S.S.R., U.K. and France and not by embarking upon a further exchange of notes. The U.S. Government trusts that the Soviet note reflects a willingness promptly to discuss these subjects.

3. Such a meeting will enable the Soviet Government to state its views on any aspect of the German and Austrian questions which it may wish to present. For its part, the U.S. Government welcomes the opportunity to put forward its views concerning questions dealt with in its previous notes.

4. As regards the Soviet proposal that the Austrian question be discussed in the ordinary diplomatic way, it is the view of the U.S. Government that diplomatic channels are always available and this government will continue to give its most careful consideration to any Soviet proposal regarding the treaty which may be thus submitted. However, as no progress has been made through such channels during the past few years, the United States Government is of the opinion that discussion by the four Foreign Ministers themselves represents the most practicable way to end the present stalemate and reach agreement on a treaty.

5. A solution of the German and Austrian questions is long overdue. The Foreign Ministers of the United States, United Kingdom and France, conscious of the special responsibilities which their governments together with the Soviet Government share in regard to Germany and Austria, therefore, desire to consider these questions together with the Soviet Foreign Minister as soon as possible. Since the date of October 15 originally suggested has now passed, the United States Government proposes that the Foreign Ministers should meet at Lugano on November 9. They sincerely hope that the Soviet Government will agree to participate.

6. The Soviet note also proposes an additional five power conference to consider measures to lessen tension in international relations. The United States Government is always ready and willing to discuss the underlying causes of such tension with a view to their removal. But it wishes to do so under conditions which offer reasonable prospect for positive results and assure that the views of the directly interested governments are properly represented. Accordingly, the United States Government has already agreed to the political conference on Korea in the form proposed by the Communist side in the Korean armistice negotiations and recommended in the armistice agreement.

major sources of tension in the Far East, thus opening the way for an early peaceful settlement of other international problems in this part of the world. Other matters mentioned in the note, such as the disarmament question, are under either direct or projected discussion in the United Nations General Assembly. Several of the subjects mentioned in the Soviet note were inscribed on the agenda of the current General Assembly¹ and are of interest to the Soviet Union. In addition, the United States Government remains ready to discuss through ordinary diplomatic channels any points which any government may wish to raise.

7. Thus, on these various questions, the way is open for discussion. If in addition a fruitful discussion can now take place at the level of the Foreign Ministers, a way would be paved for discussion of other major questions, thus restoring the necessary conditions for peaceful and friendly relations among nations.

94. NOTE FROM THE AMERICAN CHARGÉ D'AFFAIRES IN MOSCOW² TO THE SOVIET FOREIGN MINISTER BERLIN, 16, 1953⁴

In close consultation with the Governments of France, the United Kingdom, the United States Government has carefully considered the Soviet Government's note of November 3⁵ in reply to the U.S. note of October 18⁶ in which the U.S. Government proposed that the Ministers of Foreign Affairs should meet at Lugano on November 10. The Government of the German Federal Republic and the authorities in Berlin have also been consulted.

The U.S. Government notes with regret that the Soviet Government has for the third time within the past four months refused an invitation to discuss the most urgent international problems. The U.S. Government is still of the opinion that the best way of reducing international tension is to persevere in constructive efforts for the progressive solution of outstanding problems, starting with those which most urgently require an early settlement. With this in mind, the United States Government proposed a meeting of the four Foreign Ministers in order to reach agreement on outstanding issues, especially on its reunification in freedom, and on the Austrian Question. In the same spirit, it is continuing its efforts to bring to the political conference on Korea to take place.⁷

To judge from its note of November 3, the Soviet Government contemplates a meeting of the Foreign Ministers, "with the participation of the Ministers of Foreign Affairs of the Chinese

Republic," of such a different character that it would not only become involved in futile and endless debate, but would also prevent all progress in the settlement of questions which are both urgent and concrete.

The United States Government laid down no conditions in its invitation and made every possible effort to take into account the views of the Soviet Government. But the latter has made a meeting of the Foreign Ministers conditional upon the acceptance of a number of demands. Some of these have no relation to Europe, but must in the Soviet view be met before even the study of European problems could be initiated. Others would entail the abandonment by the U.S., U.K. and France of all their plans to safeguard their own security. A defenseless Western Europe appears to be the price demanded by the Soviet Government for participation in a conference. The Soviet Government must be well aware that such demands are totally unacceptable.

The United States Government can only conclude from the latest Soviet note that the Soviet Government does not wish at the present time to enter into any negotiations which might have positive results. The U.S. Government nevertheless remains determined to seek by all appropriate means agreement on the most urgent questions the solution of which is essential to the lessening of international tension. Therefore it leaves open the invitation addressed to the Soviet Government on October 18. The U.S. Government is convinced that negotiations on these vital problems would open the way to broader agreement and would thus improve the chances of re-establishing real peace in the world.

95. NOTE FROM THE AMERICAN EMBASSY AT MOSCOW TO THE SOVIET FOREIGN MINISTRY, NOVEMBER 25, 1953¹

In its note of November 3,² the Soviet Government ignored the U.S. Government's invitation to discuss the Austrian State Treaty at a meeting of the four Foreign Ministers at Lugano. It said that it awaited a reply to its note of August 28³ on this subject and confined itself to recalling the suggestion contained in its earlier note for pursuing this question through diplomatic channels, without however putting forward by this means any proposal on the Austrian problem.

Ten years after the Moscow Declaration⁴ the Austrian people have still not obtained their complete political and economic independence.

ernment has not relaxed its effort for the conclusion. During the present year it has three times proposed that be discussed by the Deputies,¹ and since August 28 it has suggested that this question be taken up at the proposed conference in Lugano.²

It is all the more surprising that the Soviet Government has been willing to resume discussions on Austria in that the two Governments, in order to meet Soviet wishes, had in August 17 withdrawn the short draft treaty,³ the sole object was to achieve the earliest possible restoration of Austria's unity and independence. In order to remove any possible misunderstanding, the U.S. Government wishes once more formally to state that this draft is withdrawn.

The U.S. Government believes that nothing stands in the way of the resumption of discussion on the Austrian State Treaty on the basis of the attitude of the Soviet Government. The U.S. Government is prepared to study any Soviet proposal which would promote a speedy settlement and which does not raise extraneous issues. The U.S. Government does not feel able to participate in the very preliminary discussions in a conference of the Foreign Ministers, the U.S. Government believes that it will see no objection to the resumption of the discussions by the Deputies at a date which the Soviet Government finds convenient. If, however, the Soviet Government would prefer to make preliminary discussions through diplomatic channels and, in particular, would like to discuss the question of the basis on which it would be prepared to accept a draft treaty, the U.S. Government would give any such proposal the most serious and careful consideration.

96. NOTE FROM THE UNITED STATES GOVERNMENT TO THE AUSTRIAN GOVERNMENT, JANUARY 12, 1953

With reference to the Austrian Government's note of January 5,⁵ the Government of the United States has shared for many years the deep desire of the Austrian nation for an early conclusion of the Austrian State Treaty. To this end the Government of the United States has, on July 15, 1953,⁶ in proposing a meeting of the Foreign Ministers of the United States, the United Kingdom, France, the U.S.S.R. and the United Nations, declared that an Austrian Treaty clearly constitutes an important element of European settlement which the United States regards as a major contribution to peace, and that a settlement of such a treaty should be reached finally whenever the Foreign Ministers might meet. Again in its notes to the Government of the United Kingdom and the Government of France, the U.S. Government has expressed its strong desire that the Austrian State Treaty be concluded as soon as possible.

25,¹ and December 8,² the Government of the United States expressed the earnest belief that an Austrian Treaty should be concluded at the earliest meeting of the Foreign Ministers.

The Government of Austria may be assured that there has been no change in the intention of the Government of the United States to seek and take every opportunity of restoring to Austria its well-deserved political and economic independence by agreement among the occupying powers on the terms of an Austrian Treaty. The meeting of the Foreign Ministers at Berlin will be such an opportunity and the Government of Austria may be confident that its aspirations will there be given every support by the Government of the United States.

G. DISCUSSION OF THE PROBLEMS OF GERMANY, AUSTRIA, AND EUROPEAN SECURITY AT THE BERLIN MEETING OF FOREIGN MINISTERS JANUARY 25-FEBRUARY 18, 1954

97. NOTE FROM THE AMERICAN AMBASSADOR³ AT MOSCOW TO THE SOVIET MINISTER OF FOREIGN AFFAIRS DECEMBER 8, 1953⁵

The United States Government is glad to learn from the Soviet Government's note of November 26⁶ that it is now prepared to take part in a meeting of the Foreign Ministers of the United Kingdom, United States, France and the Soviet Union. It is its hope that this meeting will lead towards the reunification of Germany in freedom and to the conclusion of an Austrian State Treaty.

The United States Government is confident that real progress towards the settlement of the German and Austrian questions, which are especially urgent, will contribute to the solution of other major international problems, including that of European security. In this connection, the United States Government reaffirms that the voluntary association of the free countries of the Atlantic alliance and the action of certain European states for developing their prosperity and ensuring their joint security are exclusively defensive and a collective contribution to peace.

The Soviet Government has stated its desire to discuss the possibility

Foreign Ministers will enable any participating government to express its views on this question.

The United States Government, having consulted with the Federal Government and the German authorities in Berlin, has decided that the meeting of the four Foreign Ministers should be held on January 4, 1954, in the building which was used by the Allied Control Council in Berlin.

98. STATEMENT BY THE SECRETARY OF STATE JANUARY 30, 1954 (Excerpt) ¹

This second item of our agenda deals with the German question, which also the problem of insuring European security. History teaches us to treat these two matters together.

From this very city where we are, still largely in ruins, we have launched two world wars. Two of our four countries, France and the Soviet Union, have suffered land invasion both in World War I and World War II. The United Kingdom was invaded by a foreign power. We of us have twice had to marshal to the full our human and material resources in order to withstand and finally to throw back the force of German aggression.

Surely we have a vital interest to do all that is in our power to make sure that such aggressions should never occur again. This concern is shared by the German people themselves, who have suffered cruelly from militarism and tyranny from some of their own people.

The sacrifices which have been made during these two world wars have now placed in our hands a large measure of power to shape the future, for better or for worse, and to determine whether the coming years will preface a durable peace or another disaster.

Nine years have now elapsed since the German Armistice was signed, and yet the problem of German reunification is still unmade. In many ways, that delay is a reproach to us. But there is another side to the matter. The immediate aftermath of a bitter and exhausting war usually finds that reason is submerged by the sentiments of hatred and revenge. The instinctive reaction at first is to turn to repression as a means to future safety. As time lapses, the lapse of time restores reason to its proper place and now, nine years having passed, we should be able to invoke wisdom and statesmanship to be our guides.

The problem that we face here has two major aspects. The first is the task of uniting Germany; and secondly, there is the task of insuring European security. The German people have a right to be united, and the world has a right to be secure.

I am firmly convinced that a free and united Germany is essential to stable peace in Europe and that it is in the interest of all four nations which are represented here around this table.

How did it come to pass that there is this disunity, this disunity of Germany which is, as I say, a danger to peace? We here are not free from responsibility in that respect, because it is the disagreement of our four nations which has created the present division of Germany. It is the disagreement of our four nations which perpetuates the present division of Germany, and it is only we who can end this division of Germany.

As I pointed out in some earlier remarks that I made, that fact—the fact that we four have a unique responsibility in Germany—should make this German problem a central theme of our work here. It can be the test as to whether or not we are really qualified to work together for peace.

There exists this partition of Germany which is a threat to the peace. It is in our power to end it. All that is needed to end it is that we should have the will to end it. If we do not have that will, then I say we may be peace-loving nations, but we are not peace-seeking nations.

Mr. Eden yesterday submitted a precise and a detailed plan¹ to achieve the unification and freedom of Germany by an orderly series of actions that would start with free elections. It seems to us that this British proposal is clear, is reasonable, and is well designed to achieve at the earliest practical moment a full German settlement, including a German peace treaty.

I have no doubt that our discussions here around the table, as we deliberate this intricate matter, may suggest the desirability of some modifications in detail of the plan which Mr. Eden has submitted and perhaps some clarifications. Certainly, I think we must all have an open mind on that, and I certainly have an open mind. But I do say that in general I endorse the proposal that has been submitted on behalf of the United Kingdom and associate myself with it.

There are one or two observations which I would make, particularly suggested by some remarks that have been made by Mr. Molotov. Mr. Molotov has, for example, suggested that the proposal of the United Kingdom would be in essence an attempt on the part of the four Occupying Powers to impose unification upon Germany rather than to let the Germans work out their own affairs.² As I read Mr. Eden's project, it would be just the contrary.

Under his proposal, the essential steps in the entire unification process, including their timing, are left up to the freely elected representatives of the German people. Who is it under this plan who will

it shall assume? Again, the national assembly and the government.

As I read the plan, the entire emphasis seems to be freely elected German authorities to make the crucial decision along the road to a final German settlement.

That observation brings me to comment on another which Mr. Molotov has commented, namely, this problem of elections.

Any proper plan for German unification must provide safeguards of election freedom. This, it seems, is covered by the proposal that we are considering. Conditions of genuine election must exist not only on election day itself, but for a reasonable period of time before the votes are cast, and also after the election to insure that there shall be no reprisals and that everyone can vote his convictions.

To take care of this latter point, the United Kingdom will maintain the supervisory machinery in operation until the German government assumes full control and is able to assure democracy throughout Germany in accordance with its constitution.

We can be sure that the 50 million inhabitants of Western Germany are willing and anxious to cooperate to insure such freedom. The same can be said for my Government and also, I believe, for the French and British Governments. The 18 million inhabitants of the Soviet Zone deserve the same kind of assurances, and I trust my Soviet colleague will agree to the importance of providing such assurances.

Mr. Molotov has made some observations about the proposal which seem to me to imply a lack of full understanding of the proposal, or possibly, I might suggest, the need of further clarification of the proposal. I will not attempt to go into those matters now because I am confident that Mr. Eden, who submitted the plan, will himself deal with these matters. But as I read the plan, I am subject to the type of objections which Mr. Molotov has indicated. I hope that, on the basis of further clarifications, he would find the plan itself, at least in its broad outlines, is reasonable and that we could proceed to adopt as providing a way of bringing about an end to this dangerous condition of the continued partition of Germany.

The basic impression which strikes me is this: Mr. Molotov is afraid of genuinely free elections in the East Zone. He is afraid that the 18 million Germans in the East Zone, if given a chance to speak, would overwhelmingly reject the present imposed regime. Mr. Molotov has good reason to be afraid.

Consequently, the Soviet Foreign Minister has categorically rejected the proposals for genuinely free elections which have been put forward by the Western Powers. In its place he proposes his own blueprint. In the name of peace, he proposes a method for extending the solid Soviet bloc to the Rhine. In the name of what he calls democracy, he has set forth the classic Communist pattern for extinguishing democracy as that word has been understood for 2,000 years.

The cornerstone of the Soviet proposal is the so-called government of the German Democratic Republic. That government was put in office by Soviet power. It was confirmed in office by Soviet power. If it had not been for elements of 22 Soviet divisions, including tanks and armored cars, it would have been forcibly ejected from power by the workers who in their desperation rose up against it in East June.

It is that regime which under the Soviet plan would negotiate on a basis of equality with the government of the German Federal Republic. However, the scales are to be still further weighted in favor of the Soviet puppet regime, because it is provided by the Soviet plan these initial negotiations shall also involve "wide participation of democratic organizations."

In the Soviet dictionary the words "democratic organizations" have a clear, precise meaning. They mean those front organizations—captive trade unions, youth organizations, women's organizations—which promote the Communist purposes without openly presenting themselves to the people in their true guise.

It is under these auspices that there would be prepared the "all-German electoral law," and the establishment of election conditions.

We can visualize in advance the type of elections upon which the East German regime would insist, because we already know those conditions from its past. I have already told of the election conditions which were established in East Germany where the voters were compelled by armed force and penalties to go to the polls and, when there were compelled to put in the ballot box a list of names which had been previously prepared for them and which was made public only on election day.

Indeed, the Soviet plan expressly stipulates in Communist language

Europe in the wake of the Red armies, it does not require much wit to see what that means. It means that anyone who dares to express the slightest doubt concerning communism is automatically deemed Fascist or a militarist or a monopolist.

If this system were to be applied to Western Germany, no organization opposing the Communists or the policies of the Soviet Communists, which are the same thing, would be permitted to take part in the elections.

It would only be the Communist Party and the Communist front organizations which under Mr. Molotov's plan would participate in the elections.

I have no doubt that the Soviet Foreign Minister would protest that his plan does not really involve the sovietization of Western Germany.

I recall that, in the October 1939 speech ¹ to which I have already referred, the Soviet Foreign Minister explained that the mutual assistance pacts which he had recently negotiated with Estonia, Latvia,³ and Lithuania ⁴ "no way implies any interference on the part of the Soviet Union. . . . as some foreign newspapers are trying to make out. . . . We declare that all the nonsensical talk about the sovietization of the Baltic countries is only to the interest of our common enemies and of all anti-Soviet provocateurs."

The memory of what happened within a few months to Estonia, Latvia, and Lithuania, and of having seen that same pattern extended to the countries of Eastern Europe by the use of the methods which the Soviet proposal prescribes for Germany, will, I hope, explain some skepticism at the Soviet proposals for restoring freedom to Germany.

Mr. Molotov is too intelligent to believe that the people or government of West Germany would accept his proposals or that the three Western Powers would suggest that they do so. The Western German Bundestag, representing 70 percent of the entire German people, has unanimously refused to accept the East German regime as having any legitimate status or right to speak for the people of East Germany.

One can only conclude that the Soviet Foreign Minister does not submit his proposal with any expectation that it might be acceptable. His purpose is quite different. He is actually attempting to hold on to the Soviet position in East Germany by preventing free elections.

We can well understand the dread with which Soviet leaders view any prospect of really free elections in East Germany, elections of the kind set out in the proposals which have been presented and supported by the three Western Powers. Those proposals call for "freedom of movement throughout Germany"; "freedom of presentation

and television and free circulation of newspapers, periodicals, etc.' "secrecy of the vote"; "security of polling stations and ballot boxes."

Thus, could anyone doubt the effect of elections of that kind on the future of the East German regime? Clearly the Soviet proposal is a maneuver designed to protect this puppet regime in Eastern Germany from being subjected to the test of what the 18 million people who live there would say if they were ever given the right to say it.

The four of us came together 2 weeks ago for the first time in 4 years.¹ We met before the whole world, a world to whom a certain promise was implicit in our meeting. That promise was that world tensions should somehow be eased by the good will and common sense of the participants. The three of us accepted the Soviet proposal that we should meet in Berlin, a city which symbolizes the division of Germany. We hoped that solutions could be found here for the problem of German unity.

So far at this Conference, Mr. Molotov has adopted a different approach. First, he devoted his efforts to delaying, for as long as possible, our discussion of German unity.

Now, his proposal shows that he has no intention of seriously seeking German unity with freedom.

I would say to Mr. Molotov that it is late, but not too late to redeem the promise of Berlin.

100. STATEMENT BY THE SECRETARY OF STATE, FEBRUARY 10, 1954 (Excerpts)²

Since Mr. Molotov has been kind enough to say that the United States can be an "observer," I thought it would be in order to make some observations on his plan.

The proposals submitted are in two parts, one of which deals primarily with Germany³ and the other of which represents the draft of a proposed European treaty on collective security.⁴

The paper with reference to Germany contains the statement: "that we shall continue our efforts to seek a settlement of the German problem," and that, of course, the United States is disposed to do.

Then the paper in its paragraph 2 goes on to repeat the proposal which has heretofore been made a number of times by the Soviet Union with reference to the withdrawal of so-called occupation forces from East and West Germany.

[Discussion concerning translation.]

It makes it relevant, therefore, only for me to repeat what I said before by me and others around this table: that we would leave West Germany and consequently much of Western Europe exposed to any threat of external aggression.

The second paper is the text of a proposed general European collective security treaty in Europe. Since the United States is presumably not a part of that treaty, my observations are primarily to the actual text of the treaty, although there are implications in it which do affect the United States. I am implicit in the draft, although not entirely clear, that it is to replace the North Atlantic Treaty. I assume that the provisions of article 7 and perhaps 10 and the fact that the Soviet Foreign Minister, in introducing his text, made a serious comparison of the North Atlantic Pact as resembling in many ways the Comintern Pact¹ which led to the unleashing of the Second World War.² He went on to say that "there are no reasons to doubt that the fate of the North Atlantic Pact shall be any better than the fate of the Anti-Comintern Pact."²

So I presume, although the Soviet Foreign Minister cannot say so if I am wrong, that his proposed treaty for European collective security would be in reality a replacement of the North Atlantic Treaty.

The United States certainly cannot take offense at the suggestion of the Soviet Foreign Minister that the European countries get together for their own collective security without the participation of the United States. The United States, I think, has not intruded itself as an unwanted participant in European collective security. We do not have any intentions of doing so in the future.

The American people have a very deep and legitimate interest in Europe. Most of us derive from Western Europe. We share the culture and traditions and religion of Western Europe, and we have many bonds which tie us very closely together. But we do not think that on that account we have any right to demand participation in European affairs.

The United States sent its armed forces to Europe in the First World War when the West was threatened by German militarism under the Kaiser. We delayed somewhat in doing so. But at the urging and desire of the threatened peoples of Western Europe, and for our own interests became involved, we did participate and we contributed to the final defeat of the German militarists under the Kaiser.

When that war was over, we took our troops home and then the same story was repeated under Hitler in the Second World War, and again, after some delay and when the danger

After the Second World War we withdrew all our forces from Europe, except a relatively small number who were required for occupation purposes in Germany.

Now, for the third time in this century we have sent forces back to Europe and again the reason was that there were many in Europe who were afraid and who asked us to do so.

That fear is, I imagine, a fear which cannot be allayed by new threats and new promises, because the fear was inspired by a country which was already bound by the United Nations Charter not to use force against the territorial integrity or independence of any state. I believe that that fear will be allayed by any repetition of that pledge, but it is for me to decide.

It has been suggested that our participation in the present defense of Western Europe to which I now refer caused the division of Europe. This is one of these strange reversals of history—the upside-down world—to which unfortunately we have had to accommodate ourselves. Everyone knows that the division of Europe was created before the action to which I refer and that our action was taken only because of the division of Europe.

Nevertheless, I cannot, I think, be forgotten that, when the United States proposed the Marshall plan,¹ which involved the contributions of many billions of dollars to the rehabilitation of Europe, that plan was immediately made available to all of the European states. It was at that time that the Soviet satellites, under the direction of the Soviet Union, were not permitted to share in that plan. Perhaps if that plan had been carried out in its original scope, it would have prevented the division of Europe—or at least mitigated the division of Europe—which unfortunately was intensified by the Soviet action.

The division of Europe, I am afraid, comes from causes which considerably antedate the organization of the North Atlantic Treaty² and the proposed European Defense Community.³ It goes back to the time when the Soviet control, initially confined to the Soviet Union, was extended to a vast area which now includes one-third of the human race.

I recall the pacts of mutual assistance which the Soviet Union made in 1939 with Estonia,⁴ Latvia,⁵ and Lithuania⁶ which the Soviet Foreign Minister at the time described in language which is almost exactly the same as the second preamble of the proposed new European treaty. In the pacts with Estonia, Latvia, and Lithuania, Mr. Molotov said on October 31, 1939, "strictly stipulate the inviolability of the sovereignty of signatory states and the principle of non-interference in the internal affairs of others."⁷

the independence and sovereignty of States and noninterference in their internal affairs."

What quickly happened to Estonia, Latvia, and Lithuania on and on and has, I suggest, created the division to which the Foreign Minister refers.

It is a division between those who have been absorbed and others who do not want to be absorbed.

Whether or not the Soviet proposal of today will oblige this division in Europe is, as I say, something which is presently being considered by other states than the United States.

So far as the United States is concerned, we are determined that we will not be absorbed.

101. STATEMENT BY THE SECRETARY OF STATE FEBRUARY 13, 1954¹

Yesterday afternoon the Soviet Foreign Minister presented a rather peculiar sandwich.² The top and the bottom of the sandwich stressed the necessity for the early conclusion of an Austrian State Treaty, which would reestablish a free and independent Austria. In between the top and bottom he inserted some poisoned meat. They meant that the treaty, instead of reestablishing a free and independent Austria, should establish an Austria without independence.

I earnestly hope that these new proposals will be withdrawn. We may in fact conclude an Austrian State Treaty at this time as promised in 1943.³

The Soviet Foreign Minister's statement completely contradicted the view I expressed yesterday⁴ that, if we adhere to the principle of the Austrian State Treaty, there remain only minor differences between us. As the Soviet proposals state, that draft treaty was the main agreement among the Four Powers in 1949." Only a few articles remain partially unagreed, and I am confident that with those articles could quickly be agreed upon. It will not take the Soviet Union suggests, 3 months to reach that agreement. It can be reached in 3 days or even less, so that we can in fact conclude the treaty at this Conference in accordance with the proposal made yesterday by the three Western Powers.⁵

However, the Soviet Union has now introduced new proposals which would totally alter the situation. They would cut out a part of the proposed treaty and turn the clock back, not to 1947, not even to 1943, but to the darker earlier period.

Hitler's action Austria seemed hopelessly doomed to be forever the victim of alien occupation.

The Soviet Union proposes to continue military occupation of Austria "pending the conclusion of a peace treaty with Germany."

Since the Soviet Union has rejected all proposals for the unification of Germany on the basis of free elections, and by its own latest German proposal treats the division of Germany as a semipermanent condition,¹ the Soviet Austrian proposal would mean an indefinite occupation of Austria. By requiring the withdrawal of all allied troops from Vienna, while retaining Soviet forces in the Soviet Zone the capital of Austria would thus be left as a defenseless island, surrounded by a sea of Russian soldiers.

That occupation of Austria could never be terminated by any action of her own. It would be wholly within the power of the Soviet Union to prolong the occupation forever merely by perpetuating the division of Germany and blocking an all-German peace treaty.

If the Soviet proposal were adopted, it would pervert the Austrian State Treaty and require its being rewritten from the preamble to the end.

How could we any longer in the preamble describe the treaty as being one designed to liberate Austria and to make it a free and independent state?

How could we any longer stipulate by article 1 that Austria shall be "reestablished as a sovereign, independent and democratic State"?

How could we any longer declare as in article 2 that we "will respect the independence and territorial integrity of Austria"?

Article 33 entitled "Withdrawal of Allied Forces" would be obliterated and have to be replaced by an article entitled "The Indefinite Military Occupation of Austria."

The treaty would thus become not a treaty for the liberation of Austria but a treaty for the subjection of Austria.

A second major and related change in the treaty is proposed by the Soviet Union in terms of subjecting Austria to "neutralization."

A neutral status is an honorable status if it is voluntarily chosen by a nation. Switzerland has chosen to be neutral, and as a neutral she has achieved an honorable place in the family of nations. Under the Austrian State Treaty as heretofore drafted, Austria would be free to choose for itself to be a neutral state like Switzerland. Certainly the United States would fully respect its choice in this respect as it fully respects the comparable choice of the Swiss Nation.

However, it is one thing for a nation to choose to be neutral. It is another thing to have neutrality forcibly imposed on it by other nations as a neutral condition.

tion, should now propose provisions which would basicall entire character of the treaty and which would violate the Declaration on Austria of November 1, 1943, whereby the Four Powers with the subsequent adhesion of France undertook to reestablished a free and independent Austria." If the Soviet proposal were accepted, there would be not a free Austria, but a subject Austria; not an independent Austria, but a subject Austria.

If this Four Power meeting accepted the Soviet proposal, we would expose ourselves before the world as being morally and financially bankrupt. We would have forfeited all right to the cooperation of others in our willingness to fulfill our solemn pledges.

We do not know, we can only suspect, the reasons which have led the Soviet to make its present proposal. The reasons given are grotesquely inadequate.

It is given as a reason that there is lacking a treaty whereby Germany undertakes to respect the independence of Austria. It is said that, until that undertaking is given, Austria must remain occupied.

The Soviet Foreign Minister would have us believe that during the period when Germany is occupied and totally disarmed—the Western Zones, the danger to Austria from Germany is so great that Austria must be occupied to protect it against this danger; but that, once Germany is restored to a unified and independent status with a national army of its own, then it will be possible to end the occupation of Austria. Such reasoning will not hold water in any vic-
viction anywhere.

A plausible explanation is the fact that article 22 of the Treaty of Peace with Hungary¹ and article 21 of the Treaty of Peace with Rumania² provide that the Soviet Union may maintain its armed forces on the territory of these countries so long as this is necessary for the maintenance of the lines of communication of the Soviet Union with the Soviet Zone of occupation in Austria.

I can understand that the Soviet Union fears a withdrawal of its forces from Austria which would also require it to withdraw its Red Army from Hungary and Rumania.

Is it, however, really decent that little Austria should continue to be an occupied state so that the Soviet Union can use as a pretext for continuing to occupy also Hungary and Rumania? Such a cynical attitude will surely shock the conscience of the world.

We have heard from the Soviet Foreign Minister many times of the danger of "militarism." But everything which he proposes is in relation to Germany or in relation to Austria, or in relation to Hungary and Rumania, where dependence

proposal is unacceptable to the United States. In any event, it has no proper relationship to the Austrian question. I hope that its introduction does not mean that it is the intention of the Soviet Foreign Minister to make a conclusion of a State Treaty with Austria dependent upon the prior solution of all other European questions so that the first victim of Hitlerite aggression would automatically be the last to be relieved of the consequences of that aggression.

I earnestly plead with the Soviet Foreign Minister to withdraw the two Austrian proposals which he made yesterday, which, as I say, would completely revolutionize not only the text but also the character of the Austrian State Treaty. If he will make that withdrawal then I have every confidence that the remaining differences, which are very slight, can be composed. Then we could in fact conclude the Austrian State Treaty at this meeting of the Foreign Minister and crown our efforts here with an honorable success.

102. STATEMENT BY THE SECRETARY OF STATE, FEBRUARY 15, 1954 (Excerpt)¹

I would like first of all to answer the last questions which the Soviet Foreign Minister put. He said, "Do we want collective security in Europe?"² The answer to that is, "We want collective security everywhere in the world."

We have tried to get that security during the war and postwar years in many different ways.

We tried to get it by the Atlantic Charter,³ to which all of our governments subscribed. I am afraid none of us can feel that the provisions of the Atlantic Charter have been lived up to, provisions which assure the right of all peoples to choose the form of government under which they will live and to see sovereign rights and self-government restored to those who have been deprived of them.

We tried to get it by the Declaration of Yalta,⁴ which provided among other things, a Declaration on Liberated Europe which provided for the establishment of free governments by free election throughout Europe.

And then we tried to get it by the U. N. Charter, which requires all of us—and most of the nations of the world—not to use force against the political independence or territorial integrity of other states.

Why have we not gotten European security and world security out of these documents we have signed? Nothing is wrong in the wording

There has followed a great sense of insecurity in the world because of lack of trust and confidence in men's and nations' will to live up to their pledged word.

That is why there has grown up in the world, in addition to the proposed universal system of the United Nations, other regional collective security arrangements exercising what the charter calls "the collective right of self-defense."

These special security arrangements do not have any words that add anything not already in the United Nations Charter. The addition which they provide is that they are agreements between nations which, over long periods of time, have come to trust and have confidence in each other. They provide the element of confidence which unfortunately has not been present on a universal basis.

The Soviet Foreign Minister has asked ¹ why, if the 21 American nations had made a Rio pact,² is it not equally logical that the mysterious "32" nations of Europe should not make a pact.

The Rio Pact, the pact of the Americas, is not just a regional pact. It is a pact which, as the treaty itself provides, contains this declaration:

"Peace is founded on justice and moral order and . . . the protection of human rights and freedoms."

These are not mere words in the case of the pact of the Americas. That is an expression of reality which has been demonstrated by close association for 150 years. And the ingredient which makes the Rio Pact a dependable reality is the fact of confidence which is based upon 150 years of peaceful association.

And so it is that groups of countries have sought to augment the words of the United Nations Charter with the essential element of confidence based upon long historic association.

That is true of the British Commonwealth of Nations. It is true of the nations which are bound together by the North Atlantic Treaty.

The North Atlantic Treaty is based upon the expressed determination of their peoples to safeguard the freedom, common heritage, and civilization of their peoples, founded on the principles of democracy, individual liberty, and the rule of law.

And those words, again, are not just ink on paper. Those words are the expression of a reality which has been demonstrated over many generations and which are bound not by ink, but by blood which has been shed in protecting that common heritage.

It is suggested that this North Atlantic Treaty is a cause of division. It is clearly evident that history has revealed that the coming into closer association of the Western nations is not a cause of disunity. It is caused by the fear and apprehension which, to an increasing

that that was preceded by the Communists' armed efforts to overthrow the lawful government of Greece¹ and by the forceable coup d'état whereby the Czech Government was overthrown and a Communist government installed in its place.²

Then I recall that there was the blockade of Berlin,³ which brought war very close to Europe.

And it was during that period that the idea of strengthening the Brussels Pact by bringing in the United States, Canada, and other countries first was conceived, and that treaty, the North Atlantic Treaty, was then realized in 1949.

Even then, however, it was not thought to be necessary to implement that treaty with any large military organization.

I recall that I was in the U. S. Senate at the time of the ratification of that treaty, and we did not think it would be necessary actually to implement any large military organization under the Atlantic Treaty.

But then came the armed aggression in Korea, in June 1950, followed by the Chinese Communist aggression of November 1950.⁴

And these events created fear to such a degree that it seemed necessary to build a sufficient strength in Europe to create a respectable balance of power.

General Eisenhower came over at the end of December 1950 to be the Supreme Commander of the Allied Powers, and under his inspiration there was developed military strength in Europe.

Now that there is at least a reasonable defensible posture in sight that expense is being leveled off.

I think it would be very difficult for any impartial observer to say that the North Atlantic Treaty or the organizations under it have created the division of Europe. It has been responsive to a division of Europe which already existed and the danger of which was accentuated by such events as I have outlined.

The Soviet Foreign Minister has asked us to study and analyze the precise words and drafting of his project. I must say in all frankness that I am not interested in the words.

I could heap this table high with past words that are just as fine as the human hand and mind can pen. I have referred to some of them this afternoon.

What I ask is, will these words bring with them confidence? The words already exist; they exist in the United Nations Charter.

They have existed in many other documents.

The essence is not the words but whether in fact the proposal will bring a confidence which will end the disunity of Europe.

to be our wish, because the lack of that has cost us very very heavily in the past.

I have, however, grown skeptical of the possibility of so problems merely by repeating old words or inventing new. I do not believe, myself, that the division of Europe, which desperately needs to be cured, can be cured by a formula of words. I believe there are some things which need to be *done* first.

One of the things that needs to be done is to end the division of Germany.

Here is a problem which is our own particular problem here on this table; it is symbolized by the city in which we are yet we seem unable to even make that start in ending the division of Europe.

103. STATEMENT BY THE SECRETARY OF STATE FEBRUARY 16, 1954¹

For about 2,000 years now there has been a figure in Greek mythology which symbolizes tragic futility. That was Sisyphus, who, according to the Greek story, was given the task of rolling a great stone to the top of a hill. Each time when, after great struggle and effort, the stone was just at the brow of the hill, some evil force manifested itself and pushed the stone down. So poor Sisyphus had to start his task over again.

I suspect that for the next 2,000 years the story of Sisyphus will not be forgotten, when generation after generation is told the story of the tragic story, of the Austrian State Treaty. Austria was granted its independence 11 years ago. When our forces moved into Austria 9 years ago they announced that they were there only to help Austria. Now, year after year has gone by, when we have repeated the story almost at the point of concluding an Austrian State Treaty, always some evil force manifests itself and pushes the tragedy back again. So we have to start again from the bottom of the tragedy. It is again the tragedy being repeated here today.

I recall that when we were in Moscow in 1947,² 7 years ago, the Austrian State Treaty was almost concluded as the result of which the Deputies had been carrying on in London some time previously, and we thought then that an Austrian State Treaty was in sight.

in 1949¹ it was so near to completion that it seemed that the Deputies could conclude it within a few days.

Then began again the series of efforts, and first one excuse after another one was brought forward—Yugoslavia, Trieste, the Soviet claim for payment for the dried peas, and finally, when no more excuses could be thought of, the Soviet Union suddenly realized that it was wrong to work on the treaty at all through deputies and that it all had been a great mistake that the task had been referred to deputies for some 4 years, and, therefore, the whole task had to be withdrawn from the deputies and had to be negotiated through diplomatic channels.

Now, when we came here with real hope that the Austrian State Treaty could at last be concluded, we were completely taken by surprise to find major new proposals put forward by the Soviet Union.

The most serious of those proposals, because it cuts the heart out of the treaty, is that providing for an indefinite perpetuation of armed forces of alien nations on the territory of the Austrian State.

It is suggested that the reason is, or one of the reasons is, the fact that a European Defense Community is proposed.

As I recall, the EDC treaty was signed in May 1952.² I do not believe that even the Soviet Foreign Minister would claim that the treaty signed in May 1952 explains the failure for the 3 preceding years to conclude an Austrian State Treaty.

And if the European Defense Community Treaty of May 1952 was an obstacle to the removal of Soviet troops from Austria, it is indeed surprising and hardly explained why that was kept such a close secret for 2 years, to be sprung on us here just a day or two ago.

It was indeed a rather cruel performance, if in fact that event of 2 years ago completely undermined the proposed Austrian State Treaty, that no inkling of that should be given during this 2-year period. Indeed, that is so incredible that, in the light of all that has transpired during the past 9 years, we must conclude that all we are faced by is another pretext, another excuse, for not carrying out the solemn pledge which assured that Austria would, as quickly as possible, be given its independence as a sovereign state.

It is not at all clear to me as to what the relationship is of Soviet troops in Austria to the alleged reasons.

It is said that there is evidence of the development toward an Anschluss. And presumably the Soviet troops are to be there to prevent that.

The evidence of movement toward an Anschluss is reported by the Soviet Foreign Minister as being found in certain Austrian periodicals. Well, I wonder, is it to be the function of the Allied troops in

But on the basis of the reasons given, it would seem have a great role indeed in controlling the thinking, the news—perhaps the social order—of the Austrians sovereign state.

What are these troops to do? The Soviet Foreign Minister says they are not occupation troops. They certainly, as I understand, occupy part of Austria. They are there to stop Anschluss, it is said, is rearing its ugly head because it is referred to as a danger which, presumably, then these troops would suppress.

And there is some evidence, it is said, that in some quarters they are thinking of economic ties with Germany. Are they to have the responsibility of controlling the economic, the life, of Austria? What are they to do there to stop the Anschluss? All of that is very obscure to me.

Another reason given—and to me that is the most curious—is that the United States, it is said, has a hundred bases in Europe.

Well, let me say first that none of those bases are under American control; there is no Epc.

And furthermore, it strikes me as extremely curious because the United States has a hundred bases in Europe; it must be compelled to have one more in Austria.

I think that the Soviet Foreign Minister will understand that what is actually under way here is another illustration of the unwillingness of the Soviet Union actually to restore freedom and independence in any area where it has once gone through the use of its army or otherwise.

The interpretation is forced upon us by the otherwise unworkable amendments proposed and the lack of any valid justification. That is really the tragic aspect of this affair. It throws light upon other problems as well.

The Soviet Foreign Minister referred to the question of the neutralization of Austria and indicated that I had agreed, though not strongly opposed to, the Soviet position in that respect. That the Soviet Foreign Minister must have misunderstood what I said, perhaps I did not make my position sufficiently clear.

What I have said, as shown by my notes, is this:

“A neutral status is an honorable status if it is voluntarily accepted by a nation. . . . Under the Austrian State Treaty as drafted, Austria would be free to choose for herself to remain a neutral nation. . . . Certainly, the United States would support Austria's choice in this respect.”¹

objected to. Article 1 says that "the Allied and Associated Powers recognize that Austria is reestablished as a sovereign, independent and democratic State." The essence of sovereignty is to be able to exclude from your country the armed forces of other nations, if you do not want them; and also the essence of sovereignty is to be able to make dependable alliances with other nations, if you so wish. We believe that Austria should have both of these rights, and it is precisely both of these rights which would be denied by the amendments proposed by the Soviet Union. They would, in effect, nullify the provisions of article 1 which I have read, and would equally nullify the provisions of article 2, which says that the "Allied and Associated Powers . . . will respect the independence and the territorial integrity of Austria."

As I have said here, the United States does not itself maintain armed forces upon the territory of any other sovereign state except at its expressed request and desire, and only as it so desires. We believe that that sound system should be applied to Austria.

We are not disposed to go along with a treaty which imposes upon Austria a fundamental, basic impairment of the sovereign rights which ostensibly, in the first articles of the treaty, we give to Austria and then, in later articles, we entirely take away.

Thus, the treaty would, in effect, become a fraud, offering sovereignty and territorial integrity by the first and second articles, and taking them away by article 4-*bis* and article 33.¹

I beg that the Soviet Foreign Minister will permit this treaty to be promptly signed, as he professes he would like to have it signed by allowing the treaty to be a genuine treaty for the sovereignty and independence of Austria.

104. STATEMENT BY THE SECRETARY OF STATE, FEBRUARY 17, 1954 ²

I will comment on the observations made by the Soviet Foreign Minister.³

He supports his proposal for troop withdrawal in East and West Germany on the basis that this would give satisfaction to the German people.

I am sure he can speak with authority as far as the Eastern Zone is concerned; I doubt whether he can speak with the same authority as far as the Western Zone is concerned.

I can say that there has been no intimation of any kind received

siderable concern if these troops were withdrawn, given which exists in the East.

Therefore, I am afraid that, while the proposal might faction in the Eastern Zone, it would not give satisfaction in the Western Zone.

If the Soviet Union is eager to give people satisfaction with withdrawals, I would suggest that a good place to begin is Austria, where there is no question but what all the people desire all the troops to be withdrawn. There we are given a chance to give satisfaction. The Soviet delegation might give consideration to that matter and perhaps indicate the effect of the Austrian State Treaty when we take that up in the afternoon.

There is, however, a reason more fundamental than any indicated so far why the United States does not feel itself able to accept the Soviet proposal which is entitled, "On insuring European security."¹ That is the paper which calls for the final withdrawal of all foreign forces.

What the Soviet Union asks the Western Powers to do in the name of European security, is what we did under very different circumstances in Korea immediately preceding 1950. Our policy in that case did not produce security; it produced war.

Korea, like Germany, was divided. Korea, like Germany, was divided under conditions so that roughly two-thirds of the country was occupied by Western forces and the other third occupied by Western forces.

The analogy is closer because the indigenous forces in Korea, like the forces in Eastern Germany, were highly organized and equipped, whereas those in Southern Korea and in Western Germany were police forces.

Mr. Molotov has questioned Mr. Eden's [Mr. Bidault's] statement with reference to the East German military personnel.² The United States has very reliable information to reveal that the East German military personnel now total 140,200 men under arms. Of these, over 100,000 are in the ground forces with an additional 20,000 in security formations. There are seven organized divisions, of which three are mechanized. Air forces constitute 60 jet fighters, and trained by 5,000 effectives. These forces are composed of former ex-officers of the Nazi Wehrmacht and of the SS. They are comparable to 100,000 East German police.

I can assure the Soviet Foreign Minister that there is no comparable situation in West Germany.

There are ample means of access to information on

situation in Germany is thus comparable to the situation which obtained in Korea prior to 1947. Up to that time the United States had its own armed forces in South Korea; and there was peace. The United States took its troops out of South Korea in 1949, and in 1950 there was war.

It is not necessary at this point to indulge in argument as to just who bears the responsibility for that war lay. No one can dispute the facts: First, that the United States troops were taken out; and, immediately following that, there was war.

Therefore, I am sure that Mr. Molotov will understand, even if he does not agree with, our state of mind, when we say that we are skeptical of a proposal put forward in the name of peace which requires our following the same course of action which, under remarkably similar circumstances, in fact led to war.

It is to fly in the face of the teachings of history, and indeed of elementary reasoning, to seek peace by continuing the disunity of a people who are bound together by sentiments of patriotism and by ethnic ties.

The way to get peace and promote peace in Europe is not simply to resort to a variety of various devices whereby we can mitigate the dangers of a divided Germany. We should seek a united Germany.

That is why I regret that in this topic of item 2 the Soviet Union has gotten lost in its great grandiose scheme, piling words upon words, and has left the central problem, which is the peaceful unification of Germany.

It is not an accident that the three Western Ministers, under this item 2, have concentrated their attention on the problem of Germany and the creation of a united Germany through free elections. It is because we believe that this goes to the heart of the problem of peace for Europe.

We are also convinced that a united Germany should be allowed to develop along peaceful lines of its own choosing. A Germany which is coerced, which is told what it cannot do, is a Germany which will surely follow the same course that was followed by the Germany which succeeded the Treaty of Versailles. There the reasons which were imposed were the very thing that enabled the German nationalists to come to power.

Therefore, our second point is that Germany must be allowed to follow her inclinations so long as these are peaceful and compatible with the security of the rest of us. Since, in fact, Germany wishes to associate herself with the Western countries of Europe, it is essential to peace that she be allowed to do so. If she had wished to associate herself with the powers of Eastern Europe, we would not have wanted to force her otherwise. The main point is that we should not attempt to apply such a coercion to Germans that they will not accept Germany as an independent sovereign state. In that way, Europe, at large, lies in great danger.

It is a fact, which all of us who really want peace should welcome, that certainly the greater part of the German people want to adopt a course which will end, for at least 50 years, and for all time, a distinctively national army, and equally equipped with a general staff. The fact that the Germans want to do this gives us a unique opportunity to go to meet them, and to consolidate the present will. That will may not always be with us. If to reject that will of the German people which goes in the direction of peace, if we try to substitute provisions which will be forcibly imposed upon Germany, if we perpetuate the division of Germany, if we maintain limitation and controls of the nature of the Versailles treaty, say, we would be accepting a heavy responsibility before history.

105. CONCLUSION OF THE BERLIN CONFERENCE announced by the Foreign Ministers of the United States, the United Kingdom, France, and the Soviet Union, February 1954 (Excerpt)¹

The four Ministers have had a full exchange of views on the question, on the problems of European security, and on the question of Germany. They were unable to reach agreement upon these questions.

106. CONCLUSION OF THE BERLIN CONFERENCE announced by the Foreign Ministers of the United States, the United Kingdom, and France, February 19, 1954²

The major problem facing the Berlin conference was the question of Germany. The three Western delegations urged that the reunification of Germany should be achieved through free elections, leading to the creation of an all-German Government with which a general treaty could be concluded. They put forward a practical proposal to this end.³ Their proposals were not accepted by the Soviet delegation, even as a basis for discussion, and they were forced to the conclusion that the Soviet Government is not now ready to permit free German elections, or to abandon its control over Eastern Germany.

The three Western Governments will continue their efforts to achieve German reunification in freedom and by peaceful means. In the meantime, they have suggested certain measures which

missioners should study these questions with the Soviet High Commissioner.¹ As regards Berlin, the three Governments reaffirm their abiding interest in the security of the city as expressed in the Tripartite Declaration of May 27, 1952.² They will do all in their power to improve conditions in Berlin and to promote the economic welfare of the city.

The three Western Ministers did their utmost to secure agreement upon the Austrian State Treaty. They accepted the Soviet version of all the remaining disagreed articles.³ The Austrian Foreign Minister, who was present at all the discussions on this question, declared himself ready to sign the treaty in this form.⁴ The Soviet Foreign Minister, however, insisted upon adding new provisions to the treaty. The effect of these would have been to leave foreign troops in Austria for an indefinite period after the entry into force of the treaty, and to impair Austria's right to play her full part in international life.

The treaty could therefore not be concluded in Berlin, despite an Austrian offer accepted by the Western Ministers, that troops of the Four Powers should remain in Austria until the 30th of June 1955. The three Governments are prepared to continue their efforts to conclude the Austrian State Treaty, but progress depends on the Soviet Union modifying its attitude. Meanwhile, they will continue to seek every means of lightening the burden of occupation on Austria.

The three Governments remain ready to take advantage of any further opportunity which may arise to promote, by renewal of the contacts established at Berlin or by other means, a solution of the German and Austrian problems.

The three Ministers explained and reaffirmed the purely defensive character of Western security arrangements.

Offers were made to discuss how the undertakings which already protect the Soviet Union against aggression could be reinforced. The Soviet delegation made no response to these offers. Their own proposals would have involved the dissolution of the Western security system, while the military power of the Soviet bloc in Europe remained intact.⁵ The Three Powers do not intend to be deflected from their efforts to develop the system of defense on which their survival depends.

[For the text of Secretary Dulles' report of February 24, 1954, on the Berlin Conference, see *supra*, pp. 85-90.]

¹ See Mr. Eden's statement of Feb. 18, 1954; *ibid.*, pp. 128-130.

² *Supra*, pp. 1197-1198.

³ See *Foreign Ministers Meeting . . .*, pp. 234-235.

⁴ See Dr. Fiegl's statement of Feb. 16, 1954; *ibid.*, pp. 200-202.

⁵ See *ibid.*, pp. 239-240.

⁶ See Dr. Fiegl's statement of Feb. 18, 1954; *ibid.*, p. 207.

⁷ See M. Bidault's statement of Feb. 15, 1954; *ibid.*, pp. 164-170.

⁸ See the two proposals made by the Soviet Union, Feb. 10, 1954; *ibid.*, pp. 230-232.

H. NEGOTIATIONS REGARDING GERMANIA, AND EUROPEAN SECURITY, 1954-

107. NOTE FROM THE AMERICAN EMBASSY AT TO THE SOVIET FOREIGN MINISTRY, MAY 7,

The United States Government has consulted the French Governments and the other interested governments, particularly those of the North Atlantic Treaty Organization, those aspects of the problem of European security which were discussed by the four Foreign Ministers at Berlin and to the Soviet Government again drew attention in its note of May 7.

The United States Government has long been striving for a universal reduction of armaments, to include the prohibition of atomic and other weapons of mass destruction and the peaceful use of atomic energy. In the United Nations Atomic Energy Commission, the United Nations Commission on Conventional Armaments, and subsequently in the United Nations Disarmament Commission, the United States Government has worked to secure international agreement on disarmament and to put an end to the competitive arms race which is imposing such a burden upon the people of the world. Such agreement can only be reached by progressive and balanced disarmament with effective safeguards which will remove the dangers of aggression from any quarter. The United States Government is determined to do everything in its power to reach a successful conclusion the conversations started as a result of President Eisenhower's initiative³ as well as the disarmament negotiations which will shortly begin again in the United Nations. It is the hope of the United States Government that the Soviet Government will make a constructive contribution to the solution of these problems.

If these negotiations are to succeed, a sense of security and confidence must first be established. It is in this light that the United States Government has again carefully studied the Soviet proposals on European security first put forward in Berlin⁵ and now contained in the Soviet Government's note. In these proposals the Soviet Government does not attempt to remove the actual causes of European insecurity. Instead it proposes a new collective security treaty which is based on the neutralization and continued division of Germany, leaving unchanged the Soviet Government's close political and military control over the countries of Eastern Europe. This can only prolong insecurity and division in Europe. These

even when amended to permit United States participation, do not provide any foundation for genuine security.

The addition to the United Nations of such an organization as that proposed by the Soviet Government, embracing the Soviet Union, the United States and all European countries would contribute nothing to what is already a world-wide security organization. It would not only be useless but also dangerous because it would inevitably tend to destroy the authority of the United Nations. The United States Government cannot therefore accept the Soviet proposal. Collective security would best be safeguarded if the Soviet Government would permit the United Nations to function as the Charter intended.

The Soviet Government has also suggested that its proposed Collective Security Pact should be accompanied by an extension of the Atlantic Pact through the adherence of the Soviet Union to the North Atlantic Treaty.¹ It is unnecessary to emphasize the completely unreal character of such a suggestion. It is contrary to the very principles on which the defense system and the security of the Western Nations depend. These nations have bound themselves by close ties of mutual confidence. The North Atlantic Treaty Organization, which is much more than a purely military arrangement, is founded on the principle of individual liberty and the rule of law. The means of defense of its members have been pooled to provide collectively the security which they cannot attain individually, in the face of the military preponderance which the Soviet Union has attained in Europe since 1945 and of the westward expansion of a political, economic and military system subject to its sole control. The North Atlantic Treaty Organization is wholly defensive. There is free and full exchange of information between all its members. All its decisions are taken by unanimous consent. The Soviet Union as a member of the organization would therefore be in a position to veto every decision. None of the member states is prepared to allow their joint defense system to be disrupted in this way.

European and world security will not be promoted by the disruption of defensive associations of like-minded states and the substitution of new illusory security organizations. The United States Government remains convinced that the only way to remove the sense of insecurity which weighs on the world is through step-by-step solutions of individual problems. It does not believe that a lasting settlement can be achieved by erecting a new façade of security behind which the fundamental difficulties and divisions remain unchanged.

With these thoughts in mind, the Western Powers at Berlin advocated a plan which would have constituted a first step towards the

existing agreements.¹ The Soviet Government refused also to consider these proposals. The Western Powers offered to accept the Soviet text of every unagreed article of the Austrian State Treaty. But the Soviet Government, far from agreeing to sign on its own terms, attached new and unacceptable conditions which would have totally changed the treaty from one of freedom and independence to one of indefinite occupation by foreign troops.

The Soviet Government has repeated the criticisms it made at Berlin about plans for a European Defense Community.³ The United States Government has already stated its views on this subject. It is quite untrue to suggest that the present plans which are of limited scope are responsible for the division of Europe or aggravate the risk of war. The division of Europe was brought about by the Soviet Government, and its refusal to contemplate the reunification of Germany on the basis of free elections is one of the elements that serves to perpetuate this division. In these circumstances the Federal Republic of Germany cannot be allowed to remain without any means of defense when the Eastern Zone of Germany, as its leaders openly acknowledge, possesses substantial armed forces. The United States Government considers that the best and safest way for all concerned to solve the problem of a German contribution to defense is within the framework of an association which by its very nature would prevent Germany from taking any individual armed action.

The United States Government remains convinced of the urgent need to improve relations between states and to ensure mutual security. It suggests that progress could best be made toward the elimination of the sources of international tension if the Soviet Government would give concrete evidence of its good intentions by joining with the Governments of France, the United Kingdom and the United States in (1) finding a speedy settlement of the Austrian question that will restore to Austria its full sovereignty and independence; (2) seeking a lasting and acceptable solution of the German problem; (3) reaching early agreement on general, progressive, balanced, and supervised disarmament: such agreement should specifically include the prohibition of atomic and other weapons of mass destruction and the control of atomic energy under adequate safeguards; (4) working for solutions of the most pressing problems in the Far East at the Geneva conference; (5) conforming their behavior in the United Nations to the principles of the Charter and so enabling the United Nations to fulfill its true role as an effective organization for collective security.

¹ See *Foreign Ministers Meeting: Berlin Discussions*, pp. 152, 168-169.

² See the United States proposal of Feb. 14, 1954; *ibid.*, pp. 234-235.

³ Mr. Molotov's statements of Feb. 1 and 2, 1954; *ibid.*, pp. 134-138, 142-146.

**NOTE FROM THE AMERICAN EMBASSY AT MOSCOW
TO THE SOVIET FOREIGN MINISTRY, SEPTEMBER 10, 1954¹**

United States Government, in consultation with the British and French Governments, with the other NATO Governments and also the Austrian and German Federal Governments, has studied with close attention the Soviet Government's note of July 24² and its communication of August 4.³

In these communications the Soviet Government has repeated its proposals which were fully discussed at the Berlin Conference.⁴ The United States Government attaches great importance to European security but it cannot be usefully discussed unless the fundamental interests of all the parties concerned are safeguarded. Security in Europe cannot be brought about by the signature of a general treaty of the kind proposed by the Soviet Government. It will only result in the solution of concrete problems, of which the most pressing are those of Germany and Austria.

The United States Government notes that the Soviet Government has again alleged that NATO constitutes an "aggressive military grouping". The aims of NATO are purely defensive and are in entire conformity with the Charter of the United Nations. It was set up to enable the western democracies to defend themselves against the threat created by the establishment since 1945 of a heavily armed bloc grouping in Eastern Europe. It now forms a free association of like-minded states, with other than purely military ties. There can be no question either of modifying or abandoning this conception.

The association of the German Federal Republic with other peace-loving states of Western Europe in a defensive system, long after the unification of Eastern Germany, far from constituting a threat to European security, is intended to prevent any nation from having recourse to the threat or use of force. This is the best guarantee for the security of all Germany's neighbors, of Germany itself and of Europe as a whole.

Neither in its note of July 24 nor in its oral communication of August 4 has the Soviet Government made any new proposals for a solution of the German problem. Under the proposed Soviet security system the present division of Germany would be maintained contrary to the profound desire of the German people. The U.S. Government, on the other hand, believes that Germany must be re-united in freedom at the earliest possible moment and that this can only be achieved by holding free elections throughout Germany under international supervision. The U.S. Government remains prepared to negotiate

The simplest step towards the promotion of European remains, however, an early settlement of the Austrian question. In this connection the U.S. Government must once again express the view that conclusion of an Austrian treaty should not, as proposed by the Soviet Government, be dependent upon an all-European agreement, upon a German peace treaty, or upon any other matter extraneous to the Austrian treaty. At Berlin the U.S. Government proposed a contingent upon prompt Soviet acceptance, to accept the text of all the previously unagreed articles in the Austrian treaty.¹ The U.S. Government is prepared to renew that offer. If the Soviet Government will sign the treaty in these terms, an agreement could thus be reached at once to restore to Austria territorial integrity and independence which have been promised to her since 1945.

Agreement on the question of disarmament would undoubtedly help to create the necessary atmosphere in which the problem of European security could usefully be discussed. The U.S. Government seeks the abolition of the use, possession and manufacture of atomic, hydrogen and other weapons of mass destruction. A disarmament system which would include provisions for simultaneous reductions in conventional armaments and armed forces to be agreed, the whole program to be carried out in accordance with an agreed timetable and under effective supervision and control. In the recent discussions in the U.N. subcommittee, the U.S. Government put forward proposals which could have led to an agreement. Although the Soviet Government was not then willing to accept these proposals, the U.S. Government will continue to seek an acceptable and effective agreement and hope that the Soviet Government will contribute to this end.

These are the problems to which practical agreed solutions must be found if there is to be genuine security in Europe. Further international discussion of them would only be useful if there was a prospect of finding solutions than was revealed in the discussions at the Berlin Conference or than is now revealed in the latest Soviet communications. The U.S. Government remains determined to do all in its power to make progress on these problems. It hopes that the Soviet Government will contribute to such progress by: (A) signing the Austrian state treaty with the Soviet Government, the previously unagreed articles, an offer made at the Berlin Conference by the United States, United Kingdom, France and Austria; (B) by the United States Government now renews; (C) agreeing to free Germany on the basis proposed by the United States Government as the essential first step towards German reunification in 1955.

aspects of European security. The United States Government sincerely hopes that the disarmament discussions in the U.N. be brought to a successful conclusion.

109. SUMMARY OF AUSTRIAN TREATY NEGOTIATIONS DECEMBER 20, 1952-NOVEMBER 19, 1954: Report by the United States, the United Kingdom, and France to the Secretary-General of the United Nations, November 19, 1954¹

On 20 December 1952,² the General Assembly of the United Nations, at its 409th plenary meeting, recalling the terms of the Moscow Declaration of 1 November 1943,³ whereby the Governments of the United States of America, the United Kingdom, the Union of the Soviet Socialist Republics, the United Kingdom and the United States of America (joined later by France)⁴ recognized that Austria should be re-established as a free and independent State, expressed its concern that negotiations towards the conclusion of an Austrian Treaty which had been under way since 1945 failed to bring about the proposed objective. The Assembly, therefore, addressed an earnest appeal to the Governments concerned to make a renewed and urgent effort to reach agreement on the conclusion of an Austrian Treaty with a view to an early termination of the occupation of Austria and the full exercise by Austria of the powers inherent in its sovereignty. The General Assembly also expressed its hope that the solution of this problem would "constitute an important step towards the elimination of other areas of disagreement and therefore towards the creation of conditions favourable to the accomplishment of world peace."

2. The Governments of the United States, the United Kingdom and France have been working constantly since 1946 to obtain an acceptable Austrian State Treaty. They consider that the time now come to report to the General Assembly on the results of their efforts made since 1952 to implement the Assembly's resolution.

3. In January 1953 the three Governments, in notes addressed to the Soviet Government, welcomed the Assembly's resolution and proposed that a meeting of the Austrian Treaty Deputies be held on an early date, for the purpose of concluding an Austrian Treaty.⁵ In its reply of the Soviet Government, dated 27 January 1953, stated that the "Soviet Government considers it necessary to call attention to the fact that both the raising of the Austrian question in the United Nations as well as the resolution adopted on this question are ill-

representatives of the four Powers on the Austrian question that the Governments of the United States, the United Kingdom and France were prepared to withdraw their proposal for a "Simplified Treaty"¹ and to negotiate on the basis of the 1945 Treaty which had been the subject of the earlier abortive discussions. The three Governments felt it inappropriate to impose prior conditions as proposed by the Soviet Government, regarding the new discussions. Nevertheless the three Governments affirmed their readiness to discuss any proposition which would lead to the end of the occupation. The Soviet Government continued its meetings of the Deputies on 6 and 9 February 1953, to insist on the conditions previously stipulated and declined to negotiate in substance. They declined an invitation to a meeting of the Deputies on 27 May 1953 on the pretext that such a meeting (which over 260 had already been held) could be called a Council of Foreign Ministers.² The three Western Deputies accepted this and reiterated that they were prepared to accept any proposition in terms which would ensure Austria's political and economic independence.³ On 11 June 1953, the three Governments invited the USSR to state what kind of an Austrian settlement they were prepared to conclude.⁴ The Soviet Government ignored this invitation and again limited itself to a demand for withdrawal of the "Simplified Treaty". The Soviet Government also, in notes addressed to the three Governments on 4 August,⁵ stated that "a possible solution of the German problem could also facilitate a solution of the Austrian question," thus apparently suggesting that an Austrian Treaty must be deferred until other unrelated conditions had been met, a proposition which the three Governments were bound to oppose. On 17 August they invited the USSR to a meeting of the Treaty Deputies, scheduled for 31 August, and declared their preparedness not to introduce the abbreviated Treaty for consideration on the understanding that no extra conditions would be raised.⁶ The Soviet Government chose not to attend the meeting. In late November 1953 the three Powers made a further attempt to persuade the Soviet Government to join a conference on the Austrian problem, offering to do so in a Foreign Ministers Conference, or in a Deputies meeting, or, if the Soviet Government should prefer, to give prompt and careful consideration to

¹ It will be recalled that in 1952 the Governments of the United States, the United Kingdom and France, finding the Soviet Government unprepared to complete the work carried out on the Austrian State Treaty since 1945, drew up a very brief draft treaty which eliminated the unsettled questions of German reparations, and yet included all the essential elements needed to

proposals made through diplomatic channels. This invitation remained unanswered.¹

4. It was not until the meeting of the four Foreign Ministers in Berlin, between 25 January and 18 February 1954, that negotiations were resumed on the Austrian Treaty.² The Austrian Foreign Minister participated in these discussions. He declared Austria's readiness to pay, if necessary to achieve freedom, the price imposed by the Treaty, including surrender to the Soviet Union of most of Austria's petroleum resources in addition to other assets. He appealed, however, for alleviation of the burdens of the Treaty, especially of article 35, and particularly asked that Austria should be allowed to pay the Soviet Union \$150 million in goods instead of cash.³

5. The Soviet Foreign Minister granted this latter request but at once made fresh stipulations. The main ones were:

- (I) That the withdrawal of occupation troops stationed on the territory of the respective Zones of Austria should be postponed pending the conclusion of a Peace Treaty with Germany. (At the same time, it was proposed that all Allied troops should be withdrawn from Vienna).
- (II) That Austria should undertake not to enter into any coalition or military alliance directed against any Power which participated with its armed forces in the war against Germany and in the liberation of Austria.⁴

6. The Austrian Government and the three Governments objected to the proposals of the Soviet Government, which would make the conclusion of an Austrian Treaty dependent on the unconnected problem of a settlement in Germany and impose the burden of continued foreign occupation on the Austrian people for an indefinite future. They also pointed out that the second proposal contained conditions which had both military and non-military implications and should not be imposed on any sovereign State. They considered that Austria should be free to decide her own international relations in accordance with the United Nations Charter. The Austrian Government gave assurances during the Conference that Austria would not enter into any military alliance but also emphasized that they could not accept, as a condition of reaching agreement upon the State Treaty, that occupation troops should remain in Austria until the signing of a German Peace Treaty.

7. In an effort to obtain agreement, the Governments of the United States of America, the United Kingdom and France expressed their

willingness to conclude the Treaty by accepting the versions of the unagreed articles supported by the USSR up to that time.¹

8. The Austrian Government, as a final concession, offered, if it were agreed by the four Governments, to accept an extension of the period for the withdrawal of occupation forces from Austria provided that that extension was for a definite period and that such a concession would enable the Treaty to be concluded. They suggested that the date of withdrawal should be fixed at the latest at 30 June 1955.²

9. The Soviet Government proved unwilling to accept any of these proposals. Accordingly, no Treaty could be concluded during the Berlin Conference. The three Governments, however, made clear their willingness to resume negotiations as soon as the Soviet Government were prepared to agree to the restoration of Austrian sovereignty and independence, which would of necessity include the withdrawal of all foreign troops.

10. Exchanges of correspondence since the Berlin Conference have failed to indicate any change thus far in the Soviet attitude which would permit the withdrawal of all occupation forces and conclusion of a Treaty. In a note of 7 May 1954, to the Soviet Government the Governments of the United States, the United Kingdom and France again urged conclusion of an Austrian Treaty as a means of eliminating sources of international tensions.³ The Soviet Government, in a note of 12 August addressed to the Austrian Government, rejected the latter's proposal for a five-Power committee to consider alleviating Austria's occupation burdens.⁴ The Soviet Government instead suggested convocation of a committee to examine the unresolved questions pertaining to the Austrian Treaty and other related questions but again referred to the Soviet proposals made at the Berlin Conference and failed to indicate a willingness to withdraw its troops from Austria, a fundamental requirement for the restoration of Austria's freedom and independence. On 10 September the three Western Powers sent a further note to the USSR in which they renewed their offer made at Berlin in February to conclude the Treaty by accepting the versions of the unagreed articles supported by the USSR up to that time.⁵ The Austrian Government, in replying on 12 October to the Soviet note of 12 August, said that it was prepared to participate in new treaty discussion but pointed out that the withdrawal of all occupation forces would be requisite to the conclusion of a Treaty.⁶

11. The Soviet Government, in notes addressed to the Western Powers on 23 October,⁷ ignored the offer contained in the Western notes of 10 September to sign the Austrian Treaty but instead referred to the same proposal made in its note of 12 August to the Austrian

tion of questions connected with the conclusion of a State Treaty. These new notes also contained no indication of the Government's willingness to withdraw its occupation troops from Austria which, as previously stressed by the Austrian Government and the three Western Powers, is requisite to conclusion of an Austrian State Treaty.

The Governments of the United States, the United Kingdom and France deeply regret that their efforts to conclude a Treaty and to restore to Austria its freedom and independence in compliance with the United Nations General Assembly resolution have been unavailing. These Governments will continue to seek means whereby Austrian independence may be re-established and will continue to press for the earliest possible conclusion of a just and acceptable State Treaty. Further progress depends upon the attitude of the Soviet Government.

**NOTE FROM THE AMERICAN EMBASSY AT MOSCOW
TO THE SOVIET FOREIGN MINISTRY, NOVEMBER 29,
1945**

The United States Government, in consultation with the French and British Governments, with the other NATO Governments and with the German Federal Government, has considered the note of October 14, 1945, in which the Soviet Government proposed a meeting of the Foreign Ministers of the four powers in November.² They have at the same time, in consultation with the interested governments, considered the Soviet Government's note of November 13 proposing a conference on the question of creating a system of collective security in Europe.³

The United States Government is disappointed to find that, except for the suggestion for the hurried convocation of a European conference on November 29, neither of the Soviet notes contains any new proposals, whether on Germany, Austria or European security, which have not already been considered by the Western powers at the Berlin Conference.

The Soviet note of November 13 is openly and explicitly aimed at blocking or preventing the ratification of the Paris agreements. The United States Government for its part is resolved to bring the Paris agreements⁴ into force as soon as possible and they do not intend to be deflected from this course. The United States Government does not believe that the cause of European security can be served by the creation of defensive associations between states inspired by the

to replace such associations by new organizations which would leave fundamental divergencies unresolved and would thus constitute no more than a deceptive facade. The United States is convinced that the Paris agreements provide the basis for the solution of some of the most difficult problems confronting Europe and that far from making the question of European security more difficult to solve they will serve its promotion and contribute to the cause of peace.

The unity which is being built up in the west is far broader in its scope and significance than a purely military alliance. The association of the western nations is based on their common civilization and traditions. The achievement of a close union in all fields is a deeply rooted aspiration of their peoples. It is a development of great importance in the history of Europe and is gaining in strength and purpose. By settling old rivalries and forming new ties it will promote the cause of peace in a region which in the past has given birth to so many wars.

Since the end of the war rearmament in the countries of the Soviet Bloc, including the Soviet zone of Germany, has been centrally imposed, massive and unrestricted, thus compelling the western powers to strengthen their common defense. Under the Paris agreements, however, they have of their own free will accepted a system of controls, limitations and prohibitions to be applied to their forces and armaments. This system is designed to prevent any member nation from having independent recourse to the threat or use of force.

As regards Germany, the United States Government has noted that the Soviet Government states that a settlement of the German problem is of decisive importance for ensuring security in Europe. In previous notes, the United States Government has emphasized that free all-German elections are the essential first step in the process of German reunification in freedom. In its note of October 23 the Soviet Government has given no indication of its view on this point nor of its attitude towards the practical plan for the holding of early elections, which was put forward by the Governments of France, the United States and the United Kingdom at the Berlin Conference. Nor has the Soviet Government advanced specific alternative proposals.¹ The United States Government awaits a precise indication of any concrete proposal which the Soviet Government may now have to make concerning both the timing and nature of the free all-German elections which are the essential first step for the re-establishment of a united Germany.

As regards Austria, the United States Government can see no justification for the continued denial to that country of the freedom and independence promised her by the four powers in the Moscow

of the previously unagreed articles.¹ The Austrian Government for its part made it plain that it concurred in this view, and this remains its position. There should therefore be no further obstacle in the way of the signature of the treaty and the termination of the occupation and the withdrawal of all foreign forces as prescribed therein. The United States Government notes with disappointment that the Soviet Government nonetheless propose a meeting at Vienna to "consider the remaining unsettled questions relating to the draft state treaty and other questions connected with the conclusion of this treaty." The United States Government is at a loss as to the nature of the questions referred to by the Soviet Government. If the Soviet Government wishes to furnish the necessary clarifications the United States Government suggests that this could appropriately be done in exchanges between the Ambassadors in Vienna. Meanwhile, the United States Government for its part reaffirms its desire as expressed in the note of September 10² to proceed as soon as possible to the signature of the Austrian State Treaty.

The United States Government has on many occasions given proof of their desire to settle questions in dispute by negotiations conducted in a spirit of mutual respect for the essential interests of all the participants. They remain convinced that this is the best way of promoting the cause of peace. This cause would be ill-served by a conference ending in failure. In order that negotiations may be undertaken with a reasonable prospect of success, they consider that a basis of agreement should have been carefully prepared and established in advance. The essential basis for a useful conference whether on Germany, Austria or the remaining aspects of European security does not, in their view, at present exist.

In order to establish such a basis and to deal with the foregoing questions in due order, the United States Government proposes the following:

- (1) Agreement to sign the Austrian State Treaty;
- (2) Clarification by the Soviet Government of its position on the question of free elections in Germany which are the essential first steps to German reunification;
- (3) Exchanges through diplomatic channels on any other European questions of common interest which might suitably be examined at a later four-power meeting, in particular, questions relating to European security;
- (4) A meeting of the four-power Ministers as soon as it should appear that there is a real prospect of finding solutions and after

111. DECLARATION BY THE GOVERNMENTS OF THE UNITED STATES, THE UNITED KINGDOM, AND FRANCE, 1955¹

For many years the Governments of the United Kingdom, the United States and France have sought to conclude an Austria state treaty. They have made ceaseless efforts thus to bring about the restoration of Austrian freedom and independence at the earliest possible moment.

At the Berlin conference in 1954 the three governments expressed their readiness to sign the draft state treaty with the Soviet Union on the basis of the previously unagreed articles. This would have resulted in the termination of the occupation and the withdrawal of all foreign troops within three months of the entry into force of the treaty. But the Soviet Government declined and insisted on putting forward new and unacceptable conditions which would have infringed on Austrian sovereignty.²

The three governments have followed closely the recent developments between the Austrian Government and the Soviet Government in matters relating to the state treaty. From these exchanges of views it appears that the Soviet Government may now have certain proposals to offer regarding their policy toward Austria, in particular on the question of the independence and sovereignty of Austria. The three governments already provided for in the first five articles of the draft treaty. The three governments trust that the decision of the Austrian Government to accept the Soviet invitation to Moscow will result in further clarifications.

Questions relating to the conclusion of the state treaty are of common concern to the governments of all four responsible powers, as well as to the Austrian Government. The Governments of the United Kingdom, the United States and France accordingly consider that if the Soviet Government should offer proposals which hold clear promise for the restoration of freedom and independence to Austria, these should appropriately be discussed by the four Ambassadors in Vienna, with the participation of the Austrian Government.

It remains the earnest desire of the Governments of the United Kingdom, the United States, United Kingdom and France to conclude the state treaty as soon as possible in conformity with principles which would secure Austria's full freedom and independence.

¹ Department of State *Bulletin*, Apr. 18, 1955, pp. 647-648.

² See *Foreign Ministers Meeting: Berlin Discussions, January 18, 1954* (Department of State publication 5399; 1954), pp. 175-208, and *supra*, doc. 106.

112. NOTE FROM THE AMERICAN EMBASSY AT MOSCOW TO THE SOVIET FOREIGN MINISTRY, APRIL 22, 1955¹

The Government of the United States, in consultation with the British and French Governments, has considered the Soviet Government's note of April 19² proposing a conference of the Ministers of Foreign Affairs of the U.K., the Soviet Union, the U.S. and France with Austrian representatives participating, in order to discuss the question of concluding a State Treaty for the reestablishment of an independent democratic Austria and in order to sign that Treaty.

The Government of the United States welcomes the Soviet Government's view that the possibility now exists of concluding the Austrian State Treaty. It would be pleased to participate at the earliest possible moment in a meeting of the Foreign Ministers of the four powers together with the representatives of Austria in order to sign the Treaty.

From the information it has received regarding the exchange between the Austrian and Soviet Ministers in Moscow it is clear that some preparatory work still remains to be done. Recalling the tripartite declaration of April 5,³ it suggests that the Ambassadors of the four powers in Vienna should meet at a very early date, with the participation of Austrian representatives, in order to examine the results of the exchanges in Moscow and to reach the necessary agreements for the early signature of the State Treaty by the Foreign Ministers. It would therefore propose that the Ambassadors together with Austrian representatives should meet in Vienna on May 2.

As soon as the necessary preparations have been completed, the earliest practicable date should then be set for the Foreign Ministers to meet and sign the treaty.

[For the text of the Austrian State Treaty of May 15, 1955, see *supra* pp. 643-675.]

113. STATEMENT AT A PRESS CONFERENCE BY THE SECRETARY OF STATE, MAY 24, 1955⁴

At his news conference on May 24, Secretary Dulles was asked about the policy of the United States with respect to neutrality, particularly as it would affect Germany. The Secretary replied:

It is the view of the United States that a policy of neutrality has no application to a country of the character of Germany. It is as well to talk about neutrality for a country such as Austria, a small

are destined to play the role of a neutral country. Further, President Eisenhower has pointed out, the kind of neutrality that was discussed in terms of Austria is an armed neutrality, and there is no limit in the Austrian State Treaty¹ upon the size of the Army. I do not think that the German people or the Soviet or the Western European people want to see applied to Germany the concept of it being an independent state with an unlimited

I. DISCUSSION OF THE PROBLEMS OF GERMAN AND EUROPEAN SECURITY AT THE CONFERENCE OF HEADS OF GOVERNMENT JULY 18-23, 1955

114. NOTE FROM THE UNITED STATES, BRITISH, FRENCH GOVERNMENTS TO THE SOVIET GOVERNMENT MAY 10, 1955²

The Governments of France, the United Kingdom, and the United States believe that the time has now come for a new effort to solve the great problems which confront us. We, therefore, invite the Soviet Government to join with us in an effort to remove the cause of conflict between us.

We recognize that the solution of these problems will take time and patience. They will not be solved at a single meeting nor in a hasty manner. Indeed, any effort to do so could set back real progress toward their settlement. Accordingly, we think it would be wise to try a new procedure for dealing with these problems.

In view of their complexity and importance, our suggestion is that these problems be approached in two stages. We think it would be fruitful to begin with a meeting of the Heads of Government, accompanied by their Foreign Ministers, for an exchange of views on the limited time for which the Heads of Government could meet. They would not undertake to agree upon substantive answers to the most difficult difficulties facing the world. Such a meeting could, however, give a new impetus by establishing the basis for the detailed work that will be required.

For this purpose the Heads of Government could devote a substantial part of their time to formulating the issues to be worked on and to agreeing

This first stage would lay the foundation for the second stage in which the problems would be examined in detail by such methods, organs, and participants as it appears will be most fruitful according to the nature of the issues. This work should be started as soon as practicable after the meeting of the Heads of Government.

This procedure would facilitate the essential preparation and orderly negotiation most likely to bring about agreements by progressive stages. The important thing is to begin the process promptly and to pursue it with patience and determination.

We hope that this proposal will commend itself to the Soviet Union as a useful basis for progress toward better relations between us. If the Soviet Union agrees that an early meeting of Heads of Government to explore such a program would be useful, we suggest that our Foreign Ministers settle through diplomatic channels on a date and place for such a meeting. The forthcoming meeting of the Foreign Ministers at Vienna for the signing of the Austrian State Treaty¹ might provide an opportunity for preliminary discussion of this proposal.

[For text of President Eisenhower's address of July 15, 1955, see *infra* pp. 2005-2008.]

115. STATEMENT BY THE SECRETARY OF STATE, JULY 19, 1955 (Excerpts)²

. . . I would say with reference to the official text [of Premier Bulganin's statement of July 18, 1955³] that it was delivered to the United States Delegation this morning. I had not received it when I started to speak. I have just received a copy of it since, and I am prepared in a very preliminary way to touch on the matters to which Mr. Molotov indicates he would like to have the views of the United States Delegation.

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With respect to the policy of neutrality, the views of the United States have been made clear in connection with the proposed declaration of neutrality by the Austrian Government.⁴ There we indicated that we were prepared to respect the free action of that country in adopting for themselves a policy of neutrality. However, we doubt that a policy of so-called neutrality should be encouraged generally because we believe in the principle of the United Nations Charter which is that there is a duty, broadly speaking, upon nations—always

the prevention and removal of threats to the peace. We consider that neutrality is a quite unrealistic policy for, for a country of the large population and geographical location. That was expressed very forcibly yesterday by M. Faure. The United States entirely agrees with that. I recall that the United States tried neutrality in 1914 and in 1939 and we found it a dangerous policy, not only for ourselves but for our friends. I recall that when the United Nations was originally formed, we were excluded from the founding countries all nations that pursued a policy of neutrality in the Second World War.

116. STATEMENT BY THE PRESIDENT, JULY (Excerpt) ²

Now I would address myself, then, as others, to the problem. I do not wish to go over the same ground that I have already covered, but I would like to talk a little bit about NATO as it was as it has been organized, and as it has been administered, a little bit from the political sense, but also from the military sense, particularly like my friend, Marshal Zhukov, to listen to what I have now to say. I have known him for a long time. I know that, speaking as soldier to soldier, I have never heard a single word that I did not believe to be the truth.

In December of 1950, or January 1951, I returned to the head of SHAPE, the forces that the NATO countries brought together into a single headquarters in Paris. I assured that I accepted that job—because I had been retired—I accepted because I believed it to be a true agency for peace. I have had enough of war and I would not have accepted that had I conceived it to be an organization getting ready for a war.

One of the great problems then facing the Western world was Germany. Germany, if allowed to become a military vacuum, would become again a fertile ground for the propagation of a danger, one of the gravest danger. Now, admittedly, we were at the moment thinking of danger to the Soviet Union: we were not thinking of danger to Western Europe.

Let us not forget that our Allied friend within a matter of hours has three times been locked in mortal combat with Germany.

activities of every Western nation. There is free access to our centers of activity by all the press of the world. There is news about every main army camp, every great facility that we have, and this news goes all over the world. The scale of our military operations in our country is well known to everybody.

Further, within our country it is impossible for the Government, the Executive Government, to declare war. It can be done only by the Congress of the United States by free debate and vote. The only exception to this is when we ourselves are attacked with a full-scale military attack, as at Pearl Harbor, and then the reaction is merely one of self-defense.

Further, the treaties that bind the NATO nations together¹ provide that aggression by any one of these nations, either among themselves or against anyone else. The treaty is purely defensive, and if one of these nations attempts to act aggressively against any other, it is immediately moved against by all the remaining nations of NATO. Particularly Germany, like all other nations in Western Europe, has limits set upon its forces, and, I must point out, these limits are maximum limits as well as minimum limits. In no case are any parts of its forces allowed to Germany complete or whole within themselves.

They are all intertwined with the forces of the other Western nations, making it impossible for them to conduct any effective military operation of any kind by themselves.

French colleagues can speak far better than can I about the deliberations of the French Parliament concerning all of the measures and all of the agreements under the treaty that would prevent Germany from ever getting into a position where it would be strong enough again to attack France.

Further, besides all of these treaty provisions for making the breaking of peace by any nation impossible, I want to make one observation about the United States. The United States is a fairly important member of NATO, and I can assure you that under no circumstances will the United States ever go to be a party to aggressive war—against any nation. We believe in negotiation and friendly competition, and the only way that we will ever go to war is when we are forced, as in our vital interests, in such a way that war would be the only alternative—and then it would have to be an alternative so great that only war could eventuate.

Perhaps I have talked overly long about my point, but my point is this: If there is any tendency to delay urgent consideration of the problem of German reunification because of the unhappiness or fear of a reunited Germany in NATO, then so far as it is possible for the United States to give the assurance of its pledged word, I say here now: There is no need to fear that situation. . . .

¹Treaty of Apr. 4, 1949, as amended by protocols of Oct. 17, 1951, and Oct. 23, 1954, *supra*, pp. 812-815, 853-854, and 871-873.

117. STATEMENT BY THE SECRETARY OF S JULY 20, 1955¹

Mr. Chairman, the United States Delegation is quite deal with the topic of European security, although in our topic of European security is inseparably connected with of the unification of Germany. There is perhaps a difference has been developed between the basic viewpoint of the S and that of the three Western nations in that, I think Western Powers here feel that the prolonged division is in itself a threat to European security, whereas, I Soviet Delegation feels that the division of Germany can indefinitely prolonged without endangering European provided certain supplementary measures are taken of a they suggest.

I think, at least from the standpoint of the United S gation, that we would feel that any discussion of Europ would have to start out with an assertion that in our opinion will not be very secure so long as a great nation like divided and, as far as we can judge, passionately seeks

I am quite prepared to accept the apparent sincerity of conviction that the unification of Germany would not creased security but would bring it insecurity. I would the Soviet Delegation believe that we are equally sincere assert that we would only want to see German unification conditions which would in fact bring about increased security.

I feel that there are two very sincere positions which keep us apart, which could be perhaps drawn together see somewhat more clearly the basis for the Soviet feeling unification of Germany would endanger it. If, for example Soviet Union feared that a unified Germany would mean toward the east bases and military positions which endanger that is a specific fear which we could understand, even though we not agree with it. It is a specific fear with which we could in a practical way. If the Soviet Union felt that a unified would have a military potential which would lead it to military establishment beyond what was reasonable or what the case otherwise, that again is a specific fear which, if the Soviet Union, we could grapple with in a practical way.

Let me conclude, Mr. Chairman, by just saying this: that the prolonged division of a great nation like the German must itself be a cause of insecurity. We believe that this insecurity can be eliminated without increasing the

cause of insecurity. We believe that the two possibilities of insecurity can be dealt with at the same time, if we could understand more clearly what the basis is of the apprehension of the Soviet Union.

118. STATEMENT BY THE SECRETARY OF STATE, JULY 20, 1955¹

It would not, I think, be quite accurate to say, as I understood Mr. Molotov to indicate, that there has not yet been any serious discussion of the proposals put forward by the Head of his Delegation in his important opening statement of Monday.² Certainly I myself feel that the observations which were made yesterday by President Eisenhower³ constituted a very eloquent and clear comment upon one of the central proposals which had been made by Marshal Bulganin in his exposition of European security. Marshal Bulganin's statement indicated that it was the Soviet view that security would be increased if we could bring about a withdrawal of foreign troops from the territories of European states and re-establish in this respect a situation which existed prior to the Second World War.

President Eisenhower, speaking with the authority which comes not merely from being at present the Constitutional Commander in Chief of the United States forces but with the added authority which comes from his leadership of the Western portion of the coalition which won the Second World War and the first Commander of NATO in Europe, speaking in all three of those capacities, he expressed the very solemn and considered conclusion that the security of all of us is very greatly enhanced as there is an integration of forces of different nationalities into a single whole, which cannot effectively operate offensively without a unanimous conjunction of the wills of independent states, which in fact would be unobtainable.

He indicated that the presence in the Federal Republic of Germany of troops of the forces of the United Kingdom, of France, of Canada and of the United States integrated into any prospective future force of the Federal Republic of Germany would, in his opinion, constitute a great security for us all, and that it would not advance the security of any of us to revert to the situation in that respect which existed immediately prior to the Second World War.

Indeed, it seems to me that the four of us here, who suffered so terribly from the Second World War--and the three other Governments here suffered more greatly than did the United States--that

security of all of us, and that the liquidation of NATO planned by the statement of Marshal Bulganin would promote security.

And I would like to add a word about the Brussels Treaty. It also would be liquidated under the Soviet proposal. The United States, like the Soviet Union, is not a party to the Brussels Treaty, but we believe that the integration of many of the active member countries, which is one of the purposes of that result which is extremely valuable for the United States and the Soviet Union, although neither of us are parties to that result, although, naturally, I would not set myself up in any way as a threat to the security of the Soviet Union. But I do make the announcement on my own feeling that it is a tremendous insurance against the division and separation of Western European countries, and that out of Germany and France, out of which have grown the aggressions which President Eisenhower referred yesterday, and which have been the cause of many wars, the last two of which have been involving not only the immediate parties but all of us and the world besides.

I realize, of course, that organizations like the North Atlantic Treaty Organization and the Brussels Treaty, like all good organizations, could theoretically at least be perverted to evil ends, although that the inherent nature of these arrangements is such that this is highly unlikely. I also recognize that no great power can have its security, or at least its peace, in part dependent on arrangements with which it has no privity. These are all aspects of the problem which can be, and I think should be, considered before we act in the spirit which happily prevails here and which I hope will prevail forward.

Furthermore, there are certain aspects of the proposals of the Soviet Delegation which, it seems to me, we could use. For example, it is suggested that certain of the European states should assume mutual commitments not to use armed force against each other. It is further suggested that they could assume an obligation to hold mutual consultations in case any differences or disputes arise among them which might constitute a threat to the main peace in Europe. Certainly such suggestions, together with others which have been put forward in the last statement made by Mr. Molotov, are those kinds of things I think we could usefully study. We try to evolve a system of European security which, on the one hand, will end the insecurity inherent in the continued division of Europe, and, on the other hand, permit that insecurity to be removed without creating new insecurities for any of us.

¹ Treaty of Mar. 17, 1948, as amended by the protocols of Oct. 23, 1948, pp. 968-989.

² Not printed.

119. STATEMENT BY THE PRESIDENT, JULY 20, 1955¹

Mr. Chairman and gentlemen of the Conference, as I listened to my colleague, Premier Bulganin,² it seemed to me that the principal point of difference between the thinking of the Soviet Delegation and the thinking of the United States Delegation is the urgency with which we view the need for a reunified Germany.

The Soviet Delegation seems to believe that the organization of some new and over-all pact, deferring for the moment any thought of reunifying Germany, would contribute to security. We believe that the division of Germany of itself contributes to the insecurity of Europe, and that seems to us to be the principal point of difference between what he has just said to the Conference and what we believe.

Now I certainly would be the last to minimize the importance of the over-all security of all Europe to the security of the world. Of course we agree to that, and I apologize for seeming to return to a question of the reunification of Germany, which we discussed at such length yesterday. But in our view these two matters are inseparable, and therefore, I cannot help bringing them back. So I feel—this is my conviction—that to start this so-called security pact with this Conference, making no move toward starting the machinery or means for the reunifying of Germany, would appear to confirm instead of deploring that division, and, consequently, as we attack the broader question, which is of over-all security, it seems to me that we must from our viewpoint, attack the problem of how do we get Germany back together.

Now, whether it will take one step or two steps or three steps, I admit my Soviet colleagues have studied it in greater detail than I, but I am sure that it would be a great mistake for us not to set up the machinery that proves once and for all that we confirm the necessity for so doing, and giving to some competent group or body the job of working out what needs to be done in order to bring this about. And I believe that until we do devise some such machinery we cannot by mere words, or saying we believe in the eventual reunification of Germany—I do not believe we can satisfy the situation that from our viewpoint confronts us, this Conference, and the world.

I think that is all I want to say at the moment because, I repeat, no one could applaud more than does the American Delegation the earnest protestations of the Soviet Delegation that we seek peace through giving peace to all and not just to a part of this great world.

¹ *The Geneva Conference of Heads of Government, July 18-23, 1955* (Department of State publication 6046; 1955), pp. 51-52.

² Remarks not printed.

120. STATEMENT BY THE PRESIDENT, JULY 2

Mr. Chairman and gentlemen, I have only a brief opportunity to make [with respect to comments made, in turn, by Premier Bulganin, Prime Minister Eden, and Premier Bulganin concerning the Soviet proposal on European security²]. These ideas, of enormous and tremendous interest for all of us, and naturally each of us, need to be studied carefully. But I should like to say, for my part, I have talked in detail, I think, to each member of the Delegation of the Soviet Union, which now we find differing from the other three of us on only one point in a suggestion. And I want to make clear I believe I am earnestly desirous of finding peace, as are we.

The problem becomes how to find a bridge between the two different viewpoints.

Now, we have taken up matters that manifestly we cannot discuss in detail in this Conference. It's impossible, because we have presumably, a number of other countries into a pact, and we have to be dealt with.

I noted that in Premier Bulganin's speech of the 15th, which I read with great interest, he pointed out that this could be only a beginning. But if we could here establish a basis of conciliation and an effort to get along together, our Foreign Ministers and other agencies that could be set up through the United Nations or by us, might solve some of these problems and find a kind of bridge of which I speak.

I believe we have come to the point with this subject where we should ask our Foreign Ministers, can they suggest the machinery that we would like to set up, or when they would like to take a more detailed conference on these subjects of the security of Germany and the community security of Europe—the subjects now so far on our agenda—how would they like to approach this? Possibly they could present it to us in such a way that we, as the Government, could give them a directive.

I am sure that all of us will agree to the importance of this. We must not leave this Conference without showing a sincere and honest effort of all of us to approach peace in some way.

Now, I submit again that we have gotten into details that we couldn't possibly settle here. And therefore we must find some machinery, that can handle this in better fashion.

¹ *The Geneva Conference of Heads of Government, July 18-23, 1955*, U.S. Government of State publication 6046; 1955), pp. 52-53.

² Proposal of July 20, 1955; *ibid.*, pp. 48-51.

³ *New York Times*, July 16, 1955.

**121. STATEMENT BY THE SECRETARY OF STATE,
JULY 21, 1955 (Excerpt) ¹**

. . . the Delegations of France, the United Kingdom, and the United States have tried, in the spirit which happily animates this Conference, to fairly reflect the points of view which have heretofore been expressed by the four Delegations.

The concept that Germany should be reunified in conformity with the national interests of the German people and the security of Europe, I think, almost in the precise words which were used by Marshal Bulganin in his opening statement.²

And the concept that security for Europe should be sought by effective means which will further the legitimate interests of all, including the inherent right of individual and collective self-defense—that, again, is an effort to reflect the point of view which Marshal Bulganin expressed in this matter.

The particular suggestions made as to what the representatives of the Four Powers should take into consideration, . . . also is designed to include a reference to some of the major suggestions which have been made here by the Heads of Government, notably by Marshal Bulganin, Prime Minister Eden, and Premier Faure. We naturally, however, indicate that there may be other possibilities, so as not to limit unduly the resourcefulness and inventiveness of the Foreign Ministers for the future, and their advisers.

**122. STATEMENT BY THE SECRETARY OF STATE,
JULY 21, 1955 ³**

Mr. President, I think we all appreciate the approach which has been reflected by the remarks which have been made around this table and which, I think, indicate a genuine desire to reach an agreement on this [proposed] directive [to the Foreign Ministers] ⁴ and, as Mr. Molotov has said, not to make this topic a matter of propaganda discussion among us. I will try to maintain that spirit in making merely one or two further remarks.

There is undoubtedly a difference between us in that the Soviet Union, as I understand, would make the primary task the establishment of a new European security system and would treat the unification of Germany as a secondary problem which could be resolved perhaps as a by-product of the first. I think I can say that the view of the three Western Powers represented here is that the primary

to the entirely defensive character of the North Atlantic Treaty, Brussels Treaty, all of which fall within the overriding framework of the United Nations Charter. It already reflects a very real effort at conciliation on the part of France, the United Kingdom and the United States.

We are willing to put these two problems in essence on a par. I hope very much that the Soviet Union will feel able to do so in that respect and not insist upon a subordination of the problem of German unification.

If I understood correctly the interpretation of an early statement of Mr. Molotov,¹ he said in substance that he feared that by addressing ourselves to the task of German unification that we were in fact addressing ourselves to the task of indefinite postponement of European security. It could be said if we address ourselves to the task of European security that we would involve an indefinite postponement of the unification of Germany.

I do not think that any of us should strive to bring about a premature result, that is, neither of us should try to bring about any premature postponement, either of European security or of German unification.

As President Eisenhower said yesterday, and I quote from the transcript of his remarks: "in our view these two matters are inseparable".² I hope, therefore, that we can find a directive which reflects the view that the two problems must be considered jointly, that neither can be indefinitely postponed in favor of the other.

I am encouraged by what Mr. Molotov has said to hope that the Soviet Delegation would find acceptable that approach which was sought to embody in the draft directive which I have had the honor to present on behalf of the Delegations of France, the United Kingdom, and the United States. I will just add this one further thing that I am very happy that as a matter of first impression Mr. Molotov indicates that important portions of this Treaty of the proposed directive³ are acceptable,⁴

123. DIRECTIVE OF THE HEADS OF GOVERNMENT OF THE FOUR POWERS TO THE FOREIGN MINISTER JULY 23, 1955 (Excerpt)⁵

The Heads of Government of France, the United Kingdom, the U.S.S.R. and the U.S.A., guided by the desire to contribute to the relaxation of international tension and to the consolidation of confidence between states, instruct their Foreign Ministers to take into the consideration of the following questions with regard to

propose effective means for their solution, taking account of the close link between the reunification of Germany and the problems of European security, and the fact that the successful settlement of each of these problems would serve the interests of consolidating peace.

1. *European Security and Germany.* For the purpose of establishing European security with due regard to the legitimate interests of all nations and their inherent right to individual and collective self-defense, the Ministers are instructed to consider various proposals to this end, including the following: A security pact for Europe or for a part of Europe, including provisions for the assumption by member nations of an obligation not to resort to force and to deny assistance to an aggressor; limitation, control, and inspection in regard to armed forces and armaments; establishment between East and West of a zone in which the disposition of armed forces will be subject to mutual agreement; and also to consider other possible proposals pertaining to the solution of this problem.

The Heads of Government, recognizing their common responsibility for the settlement of the German question and the re-unification of Germany, have agreed that the settlement of the German question and the re-unification of Germany by means of free elections shall be carried out in conformity with the national interests of the German people and the interests of European security. The Foreign Ministers will make whatever arrangements they may consider desirable for the participation of, or for consultation with, other interested parties.

J. DISCUSSION OF THE PROBLEMS OF GERMANY AND EUROPEAN SECURITY AT THE GENEVA MEETING OF FOREIGN MINISTERS, OCTOBER 27-NOVEMBER 16, 1955

124. PROPOSAL BY THE AMERICAN, BRITISH, AND FRENCH DELEGATIONS, OCTOBER 27, 1955¹

Reunification of Germany and Security

At the Geneva Conference the Heads of Government recognized

free elections in conformity with the national interests of the people and the interests of European security.

France, the United Kingdom and the United States have striven unceasingly for the reunification of Germany in order to promote real stability in Europe. Last year the Government of the United Kingdom, in the Eden Plan, proposed, in the forward, in the Eden Plan, proposals which offer the German people the means to recover its unity in accordance with the rights and liberty of the individual.¹ They renew these proposals in the paper attached hereto.

Free elections leading to the formation of a single Government for the whole of Germany are the right way of ensuring full participation of the German people in the solution of the German problem. The Soviet Government says it also desires. If agreement is reached during the present Conference, it should be possible to deal without delay questions concerning the electoral law and the organisation of the elections, which could take place as early as 1956.

Without German unity, any system of European security will be an illusion. The division of Germany can only perpetuate division and insecurity as well as grave injustice. France, the United Kingdom and the United States of America are not prepared to endorse a system of European security which, as in the Soviet proposal, is put forward at Geneva,² does not end the division of Germany.

At the Geneva Conference the Soviet Government expressed its opposition about the policy and associations of a reunified German Government. The Soviet Union appears to fear that a unified Germany, created by free elections and free to choose its associates in collective security, would constitute a threat to the security of the Soviet Union and Eastern Europe. The fact is that the North Atlantic Treaty Organisation and the Western European Union are strictly defensive organisations. Far from constituting a threat to peace, they contribute to the security not only of their members but of all states. This is true notwithstanding the various limitations and restrictions which the members of the Western European Union have assumed and from the fact that it is based on individual action which the NATO system imposes on its members. If a reunified Germany elects to associate itself with these organisations, the inherent obligations of restraint and control would be maintained rather than detract from Soviet security.

Nevertheless, to remove any possible grounds for Soviet opposition to reunify Germany promptly, France, the United Kingdom and the United States of America are prepared to take further steps to allay the concern expressed by the Soviet Government. They propose the conclusion of a treaty in the terms set forth below, instead of currently with the conclusion of an agreement to reunify

the obligation to react against aggression. The treaty would enter into force only in conjunction with the reunification of Germany. It would be carried out by stages. Its signature would be concurrent with the signature of the agreement on the Eden Plan. The final stage would become effective when a reunified Germany decides to enter NATO and the Western European Union.

France, the United Kingdom and the United States of America are convinced that these proposals could lead to an agreement satisfactory to both sides. If the Soviet Union's concern over immediate German reunification is primarily security, these proposals should constitute an acceptable basis for negotiation since they provide a system of controls in which the Soviet Union would directly participate, and reciprocal assurances from which the Soviet Union would directly benefit. Such a settlement, by creating confidence in an area vital for world security, would facilitate the solution of even wider problems.

OUTLINE OF TERMS OF TREATY OF ASSURANCE ON THE REUNIFICATION OF GERMANY

The treaty, which would be concluded concurrently with an agreement on the reunification of Germany under the Eden Plan, would cover the following subjects:

1.—*Renunciation of the Use of Force*—

Each party would undertake to settle, by peaceful means, any international dispute in which it might be involved, and to refrain from the use of force in any manner inconsistent with the purposes of the United Nations.

2.—*Withholding Support from aggressors*—

Each party would agree to withhold assistance, military or economic, to any aggressor, and any party could bring the aggression to the attention of the United Nations, and seek such measures as are necessary to maintain or to restore international peace and security.

3.—*Limitation of Forces and Armaments*—

In a zone comprising areas of comparable size and depth and importance on both sides of the line of demarcation between a reunified Germany and the Eastern European countries, levels for armed forces would be specified so as to establish a military balance which would contribute to European security and help to relieve the burden of

aggressive procedures of mutual inspection to verify such data and warn against any preparation for surprise attack.

5.—*Special Warning System*—

In order to provide added depth to the surveillance system on borders and thus give further protection against surprise attack, provision could be made to establish:

- a) in the western part of the zone mentioned in paragraph 3, a radar warning system operated by the Soviet Union and the other western members of the treaty, and
- b) a like system in the eastern part of that zone operated by the NATO members of the treaty.

6.—*Consultation*—

There would be suitable provision for consultation among the parties to implement the treaty.

7.—*Individual and Collective Self-Defence*—

It would be provided that nothing in the treaty would impair or conflict with the right of individual and collective self-defence recognised by the United Nations Charter and Treaties under it. No party would continue to station forces in the territory of any other party without the latter's consent, and upon request of the party concerned any party would withdraw its forces within a stated period unless these forces are present in the territory concerned under collective defence arrangements.

8.—*Obligation to react against aggression*—

Each party would agree that armed attack in Europe by any party which is also a NATO member, against any party which is not a NATO member, or vice-versa, would endanger the peace and security which is the object of this treaty, and that all the parties would take appropriate action to meet that common danger.

9.—*Entry into force by stages*—

The provisions would come into effect progressively at stages to be agreed.

THE EDEN PLAN

PLAN FOR GERMAN REUNIFICATION IN FREEDOM

- II—The convocation of a National Assembly resulting from these elections
- III—The drafting of a Constitution and the preparation of Peace Treaty negotiations
- IV—The adoption of the Constitution and the formation of an all-German Government responsible for the negotiation and conclusion of the Peace Treaty
- V—The signature and entry into force of the Peace Treaty

I—FREE ELECTIONS THROUGHOUT GERMANY

Free and secret elections should be held throughout Germany including Berlin at the earliest possible date. These elections must be held in conditions of genuine freedom. Safeguards must be agreed to assure this freedom before, after and during the elections. The elections must also be supervised in such a manner as to make sure that these safeguards are observed and that the elections are properly conducted.

(1) *Preparation for the Elections*

(a) The Electoral Law

The Electoral Law should be prepared by France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, in consultation with German experts, taking into consideration the electoral laws already drafted for this purpose by the Bundestag of the Federal Republic and the Soviet Zone Volkskammer. When approved by the Four Powers, it should be published throughout Germany. Elections should take place as soon as possible thereafter.

(b) Guarantees for Free Elections

The draft electoral law must contain provisions which will guarantee the genuine freedom of the elections. These include, amongst others:—

- Freedom of movement throughout Germany
- Freedom of presentation of candidates
- Immunity of candidates
- Freedom from arbitrary arrest or victimisation
- Freedom of association and political meetings
- Freedom of expression for all
- Freedom of the press, radio and television and free circulation of newspapers, periodicals, etc.

counted and verified at local headquarters in the presence of the Supervisory Commission.

- (i) Composition of Supervisory Commission—The Commission should be composed of representatives of the Four Powers with or without the participation of neutrals, assisted by Germans in a consultative capacity.
- (ii) Organisation of the Commission—The Commission should work on a Committee basis. Its decisions should be taken by majority vote.
- (iii) Functions and Powers of the Commission—The principal task of the Commission will be to ensure that the elections take place in genuine freedom and in strict conformity with the provisions of the Electoral Law.

(2) *Method for completing the above Preparations*

The Foreign Ministers must in the first place agree on the principles contained in this Plan. They will then give instructions accordingly to a Working Group, consisting of the principal representatives in Germany of the Four Powers, or members of their staffs, which will work out the necessary details and submit a report.

This report should include, in particular:—

- (1) the draft of the all-German Electoral Law;
- (2) detailed recommendations regarding the supervision of the elections.

The Working Group should begin work not later than two weeks after the Foreign Ministers have agreed on the principles contained in this Plan. It should submit its report to the Four Governments not later than one month after beginning its work.

II. THE NATIONAL ASSEMBLY

The all-German elections will establish an all-German National Assembly.

During the period between the end of the elections and the full assumption of control by the all-German Government, it will be desirable for part of the Supervisory machinery to remain in operation in order to prevent action after the elections which would impair the conditions of genuine freedom under which they will have been held as provided in Section I (1) (b) above. Recommendations on this subject should be included in the report of the Working Group.

IV. ADOPTION OF THE CONSTITUTION AND FORMATION OF AN ALL-GERMAN GOVERNMENT RESPONSIBLE FOR THE NEGOTIATION AND CONCLUSION OF THE PEACE TREATY

The draft of the Constitution will be submitted to the Assembly as soon as possible. Immediately after it has been adopted an all-German Government will be formed. This Government will then be responsible for the negotiation and conclusion of the Peace Treaty. At the same time, such other institutions as may be provided for in the Constitution shall be established.

As soon as the all-German Government has been formed, the National Assembly will determine how the powers of the Federal Government and the German authorities in the Soviet Zone shall be transferred to the all-German Government, and how the two former shall be brought to an end.

The all-German Government shall have authority to assume or reject the international rights and obligations of the Federal Republic and the Soviet Zone of Germany and to conclude such other international agreements as it may wish. The Four Powers will support any application of the all-German Government to accede to the United Nations Organization.

Each of the Four Powers will exercise with respect to the National Assembly, the Provisional All-German Authority and the all-German Government, only those of its rights which relate to the stationing of armed forces in Germany and the protection of their security in Berlin, the reunification of Germany and a Peace Treaty.¹

Decisions of the National Assembly, the Provisional all-German Authority and the all-German Government in carrying out this Plan will not require the approval of the Four Powers. Such decisions may not be disapproved except by a majority vote of the Four Powers.

V. SIGNATURE AND ENTRY INTO FORCE OF THE PEACE TREATY

The signatories to the Treaty should include all States, or their successors thereof, which were at war with Germany. The Treaty should enter into force when ratified by the Four Powers and by Germany.

125. STATEMENT BY THE SECRETARY OF STATE, OCTOBER 28, 1955²

Mr. Chairman,³ I would like first of all to confirm the sponsorship of the United States of the document and proposals which were read by

coupled with the Eden Plan for the reunification of Germany, shared by the United States, together with the United Kingdom and France.

I merely wish, first of all, to confirm that fact, and to associate ourselves, Mr. Chairman, with what you have said in support of these joint proposals.¹

I would like now to address myself to some of the proposals that were made by Mr. Molotov,² and, in the first instance, to the condemnation of what Mr. Molotov called "military blocs." These blocs are in reality collective security associations.

I realize that there is a difference of opinion between the members with reference to these matters, and probably it is not possible to resolve all those differences at this time, but I think it is possible to pass without comment the condemnation of these collective security organizations.

Why, indeed, should it be that nations should not join together to help each other against what they consider to be a common danger? In pursuance of what they consider to be a sense of common interest, individuals do that. It is considered the appropriate way of life. Individuals do that. It is considered the appropriate way of life for security. And the Charter of the United Nations, to which all have subscribed, defines that as an inherent right of nations.

Why should it be that something which we have all agreed is an inherent right of nations—that is, the right not only of an individual but the right of collective self-defense—why is it that that has led to in for such bitter condemnation, when it is something which we have all agreed is an inherent right.

It is suggested that these collective defense associations have led to an increase of increased military expenditures, and in support of that there are given showing that in the case of some of our countries military budgets went up very sharply between the year 1949 and the year 1954. But it should not be forgotten that something was going on during that period other than the formation of collective security associations. There were the events which took place in Czechoslovakia; there was the blockade of Berlin; there was the attack upon the Republic of Korea. Anyone who examines history realistically will find that it was such events as these that led to the increase in military budgets, and not the creation of collective security associations.

Indeed, I think it is demonstrable that the military expenditures of each of the Western Powers would have gone up much more than they did were it not for the fact that because of collective security we thought that we could help each other out and, therefore, we did not need, in each individual nation, as large a military budget as we have seen. It has been felt necessary had we stood alone.

prevail in the world and which sometimes drive people into acts of violence which otherwise they would not commit. One of those injustices, and one the responsibility for which we here are charged with, is the continued division of Germany. Because it was recognized that that was a dangerous situation, a wrong situation, a situation which created insecurity, we were charged here to deal with the two problems inseparably or closely linked; that is, the problem of reunification of Germany and European Security. It is stated in that order in the directive.¹

And it is further said in the directive that the successful settlement of each of these problems would serve the interests of consolidating peace; in other words, that the reunification of Germany is one of the problems, a settlement of which will serve to consolidate peace.

We have come here with proposals to deal with each of these two problems, the solution of which would serve the interests of consolidating peace. We have put on the table yesterday, through President Pinay, the proposal for the unification of Germany, which reflects in essence the Eden Plan which was put forward at our Berlin Conference, and the new proposals to give security assurance in connection with the reunification of Germany.²

The Eden Plan is, as I say, one with which we are all familiar; and it is reintroduced now, substantially in its initial form, because it is based upon principles which are basic and sound and which reflect the directive that we should seek a "settlement of the German question and the reunification of Germany by means of free elections carried out in conformity with the national interests of the German people."

The suggested treaty of assurance on the reunification of Germany is new and it represents an honest, sincere, painstaking effort to carry out the directive in that respect and to meet what we recognize to be the legitimate preoccupations of the Soviet Union and, indeed, of all of us, as against the possibility that Germany might again become a militaristic state. The proposals include all of the features which we were instructed to consider; provisions for an obligation not to resort to force, that is one; provision to deny assistance to an aggressor, that is another; limitation, control and inspection in regard to armed forces and armaments, that is another; the establishment between East and West of a zone in which the disposition of force will be subject to mutual agreement. All of those aspects which we were instructed to consider are realistically incorporated in the outline of a treaty which has been submitted by the three Western Powers

regard to our traditional attitude toward these matters geographical separation from the European continent. ever, something that I believe the United States would to do as a part of a contribution to bring about the increase for all which would come with the reunification of Germany.

I was very glad to hear Mr. Molotov say that he would consider the proposals more carefully, because it is quite obvious that the reaction is based upon an inadequate understanding of the proposal. As I understood Mr. Molotov, his basic objections to the proposal, as he understood the proposal, were in essence two: One that the proposal required Germany to become a party to the treaty and the other was that the sanctions of the treaty were mere threats.

Dealing with the first point, let me say that there is no objection whatsoever in the treaty proposal which conflicts with the provisions of the Eden Plan that the all-German Government shall have the right to assume or reject the international rights and obligations of the Federal Republic and the Soviet Zone of Germany. Let me make this perfectly clear and emphatic: There is nothing whatsoever in the treaty proposal which requires Germany to become a member of NATO. It is recognized that a reunified Germany will be free to join NATO or to reject existing obligations with reference either to NATO, or to Warsaw.² That is a complete freedom, and nothing in the treaty proposals is in any way contrary to that.

With respect to the sanctions in the treaty, these are more serious than any which have ever been known before in the history of international relations, covering practically every aspect which the United States has to control, not only in terms of engagements, pledges, which are serious, but also including physical arrangements in the treaty, inspection, controls, assurances regarding the level of forces, etc. As I say, they go far beyond anything that history has known, and surely it is not to be said that there is not anything in the proposal except mere "consultations".

So I very much hope that this proposal, which tries to be frank and conscientiously to give real substance to our directive, will receive the careful consideration which I know it deserves. And I am confident that with that consideration the provisional and tentative views that have been expressed here will be revised. Of course, this proposal is subject to the reunification of Germany, and one of the provisions of the treaty operates, as far as the United States and the other powers here are concerned, only if the reunified Germany joins NATO; that is, Article 8, because Article 8 deals in essence with a guarantee by the NATO members that no one of them

We shall, of course, examine carefully the proposal which the Soviet Delegation has submitted.¹ In looking at it in the few minutes that have been available, I think it will be found that some at least of the provisions of our proposal coincide with the proposals of the Soviet Delegation. There is, however, one basic difference of approach which is that we have submitted together proposals dealing with what our directive says are the two closely-linked problems; namely, the problem of the reunification of Germany, and the problem of European security.

The proposal of the Soviet Delegation, so far as I can see, is in no way connected with the reunification of Germany, and, therefore, it would be difficult for us to consider it until we see the proposal which the Soviet Delegation says it intends to submit for the reunification of Germany. When we see the two together then we shall be able to appreciate them better than by only seeing the first proposal without the other half; namely, the reunification of Germany.

In conclusion, let me beg the Soviet Delegation to believe that the treaty proposal that has been made here represents a serious and, I would say, indeed, a momentous and historic proposal designed to meet, as fully as human ingenuity can meet it, the problem of permitting the reunification of Germany to occur under conditions which will assure that whichever election Germany makes, in terms of its future associations or lack of associations, there will be assurance to us all against something which we are all entitled to dread and fear; that is, the possibility that Germany might again become a militaristic State.

126. STATEMENT BY THE SECRETARY OF STATE, OCTOBER 29, 1955²

Mr. Chairman, I feel that we have made considerable progress during the two days of conference which we have so far had—two days of discussion of our proposals—and that the last statement made by Mr. Molotov³ poses the question, a very proper one at this stage, as to how do we really make progress from now on.

We are not here to engage in polemics, and to show how smart we are, either as lawyers or as diplomats. We are here on a very serious task. And, in that spirit, I would like to say this: I think that the three Western Powers in their proposals have gone very far in presenting the position which their governments hold, on both the subject of the reunification of Germany and on the subject of

either yesterday or today, have been answered as adequately appropriate to answer them at the present stage of our debate. If we get down to discussing the detailed elaboration of a security treaty, a treaty of assurance, along the lines we have proposed, it will naturally be appropriate to have further more detailed changes of views as to just how certain articles should be drafted.

It seems to me that the important thing at this stage is to state the position of the Soviet Union with reference to the reunification of Germany. It is quite true that our proposals start from the premise that Germany will be reunified and the assurances which we have suggested are assurances which depend basically, not upon German entry into N.A.T.O., but they do depend basically upon the reunification of Germany.

We do not yet know the position of the Soviet Union on the question of the reunification of Germany, and while we know that the head of the Soviet Government agreed in the directive that Germany should be reunified through free elections, we do not know what proposals the Soviet Union will now make to give effect to the provision of the directive.

Mr. Molotov says that he has a proposal to make in this connection and it seems to me that from the standpoint of making a treaty which would be very useful if Mr. Molotov could let us see what his proposal is.

There is, I know, a difference of opinion between us as to the relative order of importance of European security and the reunification of Germany but there can be no difference between us on the position that there is a close link between the two, because this has already been decided for us by our superiors.

There are, one might say, two sides of a single coin, one side of which is European security and the other side of which is German reunification. We have tried to present our view as to the pattern of the two sides of the coin, the pattern of European security, the pattern of German reunification. As far as the Soviet Union is concerned, one side of the coin is as yet visible; that is, the one that has to do with European security. I think, in order that we can really reach a businesslike way, which I know we all want, that it would be extremely useful if the Soviet Union would show us the other side of the coin, the one that has the pattern of German reunification. We can see whether there is a basis of agreement there. Because, in any case, it has been made clear, German reunification is the basis of our proposed security treaty.

If we cannot reach agreement about the reunification of Germany, then obviously our security proposals are irrelevant because

**127. STATEMENT BY THE SECRETARY OF STATE,
OCTOBER 29, 1955¹**

Mr. Chairman, we can all ask questions. I have asked several. On question I have asked is as to whether we can proceed in our discussion of security on the assumption that the Soviet Union will promptly agree to the reunification of Germany. That is, from my standpoint as important a question to ask and to have answered as any that I can think of.

I would say that certainly the purpose which we all have here is to find security for all. As far as the United States is concerned—and I can not in this respect speak for my colleagues or anybody but myself—I can only refer to what President Eisenhower said when he was here in July when he said—and he said it on two separate days to make it perfectly clear: “European security and the reunification of Germany are inseparable”.² Those were his words. And it is the view of the United States that it is not possible to achieve security in Europe upon the premise of a divided Germany. Now, that may not be the view of others, but that is certainly the point of view which we bring to this conference, and until we know whether or not we are to proceed on the premise that Germany will be unified or on the premise that Germany is to be divided it is extremely difficult for us to answer hypothetical questions about a security treaty because a security treaty which is predicated upon a unified Germany is one thing. If Germany is not to be unified, then the problems are of a totally different order and it is not possible to answer questions until we know what the basic foundation is as far as Germany is concerned.

That is all.

**128. STATEMENT BY THE SECRETARY OF STATE,
NOVEMBER 2, 1955³**

Mr. Chairman, I am glad to have the opportunity to comment on the presentation which has just been made by the head of the Soviet Delegation.⁴ I shall, of course, look forward to the opportunity to study closely his remarks when I have the exact transcript, but I can make some preliminary observations at this time.

As I recall, Mr. Molotov first commented on our security proposals and made objections on two grounds, principally, the first being, as I recall, that, and I quote now my notes of the English translation

of Germany into NATO.

The second point, as I understand it, was that the security which we had submitted did not operate for the benefit of Germans of Germany who had in the past been the victims of aggression.

I was very glad that his objections are of a kind which can be met.

The proposal as submitted by the three Western Powers is that "the treaty would enter into force only in conjunction with the reunification of Germany." So it is not accurate to say that it comes into force when Germany enters into NATO. That must be read in connection with the provision in the Eden Plan that if East Germany is annexed, which provides that the all-German government must either accept or reject membership in NATO. It is quite true that the proposal says that "the provisions would come into effect progressively at stages to be agreed." That agreement we will see when the Soviet Government at an appropriate time.

With respect to the second point, it is certainly the intention to think certainly the effect—of the proposals that we submit is that they should benefit all of the countries here in Europe who have been subject to German aggression. For example, Article 10 of the proposed armed attack against any party which is not a NATO member. It is obviously the limitation of forces and the special measures in the treaty area which would embrace parts of Poland and Czechoslovakia would give a very great measure of security to those countries.

I think it can be confidently said, as I said before Mr. Molotov spoke this last time, that the progress that we have made is apparent that we can reach agreement on security provisions and reach agreement on the reunification of Germany.¹ Having regard here to all the observations which Mr. Molotov has made and having seen his own proposals, I am confident that it is possible to reach agreement upon a security treaty which will meet all the legitimate preoccupations of the Soviet Union and of the other countries who have in the past suffered from German aggression. That is an optimistic statement, but I hope it is not a crime to be optimistic.

So, after having made this good progress in the area of security, we turn to the problem of reunification of Germany. Mr. Molotov discussed the question of who is responsible for the present division of Germany, and, as I understood it, he put the responsibility upon the Germans who had created first Bizonia and then Trizonia.² Well, Germany was originally divided into four parts, and I am not sure that it is fair to put the responsibility for the continued division of Germany upon the Germans who first reduced the four parts to three, and then reduced the three parts to two. If the Soviet Union will join with us

¹ Statement of Nov. 2, 1955; *The Geneva Meeting of Foreign Ministers*, p. 10. The fusion, for economic purposes, of the American and British zones in Germany, Jan. 1, 1947 (see *A Decade of American Foreign Policy*, 1956, p. 11), and the merger of all three Western zones under the

about now the reduction of the two to one, then we will no longer have to argue about who is responsible for division.

But really the important thing is not who is responsible for the division of Germany, but who is responsible to put Germany together again, and as to that, the decision has been made: "The Heads of Government recognizing their common responsibility for the reunification of Germany"—that is our Directive;¹ and, whoever was responsible for the past, we now have a common responsibility for the future.

I confess that I was at first discouraged by the Soviet proposal about Germany because they seemed to me not only to be impractical but they seemed to me to be a very clear departure from our Directive. But I did not remain discouraged long because I thought to myself that the first proposals which the Soviet Union had made about security were very discouraging, and their second proposals came much closer and showed a real approach to those of the Western Powers. So I hope that the Soviet Delegation, after we have had a discussion on this question of the reunification of Germany, may see its way to coming forward with proposals which meet more closely the Directive, and which by so doing also meet more responsibly the submission which we have made in this respect.

Our Directive calls for the reunification of Germany by means of free elections. Now Mr. Molotov has pointed out that, if you have free elections, somebody is going to win and somebody is going to lose. That is, however, inherent, as I see it, in the nature of free elections. Presumably that fact was taken into account by the Heads of Government when they nevertheless directed us to bring about the reunification of Germany by free elections. I do not wish to go into a debate about the merits or demerits of the social structure which has been created in East Germany. It is not really important what I think about it. The important thing is: What do the Germans think about it, because they are the ones who are going to have to live by their choice.

Free elections, under the conditions that are foreseen by the proposals of the Western Powers, will permit the Germans who live in East Germany, if they wish, to go all about Germany explaining the merits of these are merits, of the social system that exists in East Germany and they will have a full opportunity to explain it to the Germans. It will also give the people in West Germany an opportunity to find out, by personal investigation, by talking with the East Germans what they think about it. And then, after that period of electioneering has taken place, the people will go to the polls and decide what they want. If they want this system, which to Mr. Molotov seems so good, they will vote to take it; if they don't like it, then they

I am really surprised that Mr. Molotov should assume, as he apparently does, that under conditions of free elections, where the people have the right to see and examine what is going on, they will reject the East German system. If the social and economic conditions which Mr. Molotov would preserve are good then they will survive the test of free elections. I believe that the free system of the West is good enough to survive free elections. Apparently, Mr. Molotov does not believe that the system of the East is good enough to survive free elections. But, however that may be, our Directive says that the Heads of Government have agreed on the reunification of Germany by means of free elections, and I hope very much that the Soviet delegation, in loyal performance of the Directive given us, will again examine the matter and put forward either its own proposal for free elections, or which would be much better, accept the proposal which the Western Powers have made.

The four-point Soviet proposal,¹ which has been circulated, makes no provision whatever for free elections in Germany, and I would hope that the Soviet Union, I repeat, would submit a proposal for free elections in Germany, which is what we are directed to do.

129. STATEMENT BY THE SECRETARY OF STATE, NOVEMBER 3, 1955 ²

Mr. Chairman, I have, as I promised Mr. Molotov yesterday,³ read very carefully his speech and the proposals which accompanied the speech.⁴ About half of the remarks of Mr. Molotov concern themselves with the problem of European security, which we have been discussing now for some days. As I read that portion of Mr. Molotov's remarks and then read the further speeches that were made around the table by President Pinay,⁵ Mr. Macmillan,⁶ and myself, it seemed to me that the statements made gave a very full reply to the questions which Mr. Molotov put in relation to the matter of European security.

I would like to associate myself with the eloquent statement which was made by President Pinay. It was I felt an answer of a statesmanlike character, to the points that had been raised by Mr. Molotov.

I feel, after having read the speech on behalf of the Soviet Delegation and the other speeches that were made, that I can confidently reaffirm what I said yesterday—that there is before us a realizable provision of security in Europe by means of a treaty which would conform to our directive; provided—and, of course, this proviso is of the utmost importance—we can make similar progress with respect to the reunification of Germany.

as to concentrate, as closely as we may, as intensely as we may, as constructively as we may, on dealing with the other half of the whole of our first directive; namely, the problem of Germany, and the reunification of Germany.

The Western powers recognized what our directive¹ calls the "close link between the reunification of Germany and the problem of European security." So, in their proposals of last week, six days ago, we submitted not only a proposal in relation to the European security treaty, but, also, as part of our proposal, the amended Eden Plan dealing with the reunification of Germany by means of free elections. That proposal, as I say, was submitted six days ago. Yesterday, the Soviet Union submitted a proposal of its own with reference to the German problem, and asked us to comment upon it.

Perhaps it would not be unfair if we felt that it would be useful if the Soviet Union would comment upon our proposal which was submitted six days ago. That proposal was designed to conform carefully to our directive, and I think deserves comment and consideration which, so far, has been lacking.

In the extensive remarks which Mr. Molotov made yesterday on this subject of Germany, he did not comment upon, either by way of criticism or by way of approval, on the plan which we had submitted. We have a saying that "Silence means consent". I recall I suggested that once in the past, but Mr. Molotov said that was not a Russian proverb.

I am, however, willing to oblige by commenting upon the four-point proposal which Mr. Molotov submitted yesterday. My first reaction was, and my considered conclusion is, that that proposal is principally noteworthy in its complete failure to comply at all with the directive under which we are operating.

The directive of last July on this subject contains four elements. The first is that Germany shall be reunified; the second is that it shall be reunified by means of free elections; the third is that this shall be done in conformity with the national interests of the German people and fourthly, in the interests of European security.

I deal first with the fact that it was agreed there shall be a reunification of Germany. I would observe that whereas the proposal of the Western powers contemplated an actual reunification of Germany and this we hope by next year, the Soviet proposals do not contemplate at all the reunification of Germany.

The various proposals so far submitted by the Soviet Union, which touch on this topic, seem to presuppose not that Germany will be reunified but that Germany will continue to be divided. The four-point proposal of the Soviet Delegation, submitted yesterday, contemplates not the reunification of Germany, but the cooperation of two German states. This, apparently, is the Soviet view of the most that can be expected—certainly for the indefinite future.

I do not think that it is improper for us to ask that the Soviet

Union should submit a plan for the reunification of Germany. After all, that is the agreement of the Heads of our Governments; that is the directive they gave us. The Western powers have submitted a plan for the reunification of Germany and it would seem to me that we are entitled to expect from the Soviet Delegation a plan for the reunification of Germany.

Now, I turn to the second element in our directive on the German problem. It says Germany should be reunified "by means of free elections." The proposal submitted by the Western powers meets this requirement of the directive. It contemplates that "free and secret elections should be held throughout Germany, including Berlin at the earliest possible date." It contemplates an electoral law which would be worked out in consultation with German experts taking into account the electoral laws already drafted for this purpose by the Bundestag of the Federal Republic of Germany and in the Soviet zone by the Volkskammer.

Our proposal goes on to contemplate guarantees to assure that the elections will be really free and so that those in any part of Germany who have social programs or economic projects, which they wish to present to the German people, will have a full opportunity to do so.

It contemplates that these free elections will be so supervised that there will be an all-German national assembly which will draft a German constitution and prepare for peace treaty negotiations.

In this way we try to comply with the directive that Germany shall be reunified by means of free elections.

The proposal submitted by the Soviet Union makes no provision whatsoever for the free elections for which our directive calls and indeed, the remarks which accompany the proposal indicate that it is the view of the Soviet Delegation, that free elections are rather dangerous things because it is pointed out no one can be sure in advance what the results will be.

Now, I have here the ballot which was used in the elections in the East-German zone. One could know in advance what would come out of that election because there was only one set of names on the ballot. There was no opportunity to vote for anyone else, and the only freedom that was had was the freedom to put this particular ballot in the ballot box. Then, indeed, one could be sure in advance what would come out, because it was decided in advance what went in.

I admit that with free elections one cannot be sure what the results will be before the elections take place and I realize that that is sometimes inconvenient. It is particularly inconvenient if you turn up on the losing side, as I sometimes have. But that risk is inherent in free elections which are designed to ascertain the popular will, for no one

because the results are unpredictable. We are under a directive which requires us to bring about the reunification of Germany "by means of free elections". That is the order of our Heads of Government which the three Western powers have complied with by submitting a plan for free elections in Germany, and I very much hope that the Soviet Delegation will also either accept our plan or submit a plan of its own.

The third element of our directive is that this reunification through free elections shall be carried out in conformity with the national interests of the German people. I underline the words "national interests." The emphasis, you will see, is upon a national Germany not upon a sectional or divided Germany.

The Soviet Delegation has called attention to what it believes to be social gains which have been achieved in a certain portion of Germany and also it feels that there is grave doubt whether these so-called "social gains" will be preserved if the whole people were given an opportunity freely to express their will. Therefore, it seems to be argued by the Soviet Delegation that a national view shall not prevail, but that some form of sectionalism and the maintenance of a divided Germany must be maintained as against a national viewpoint in order to preserve these sectional so-called "gains".

In this respect there seems to be a retrogression not merely from the directive under which we operate, but even from the conditions which existed at the time of the Berlin Conference, when the proposals made by the Soviet Delegation seemed to accept the view that the German people would decide on a national basis what were the social conditions which they wanted to have.

On the 4th of February 1954 the Soviet Delegation submitted a proposal which called for all-German elections—I am quoting now "as a result of which the German people would take their decisions without any interference on the part of foreign countries, concerning the social and state organization of a democratic Germany."¹ In other words, by that Soviet proposal it was conceded that the German people acting as a whole would take their decisions as to the kind of a social system which they wanted and that they would do so without any interference on the part of foreign governments who might prefer to see the Germans maintain one or another social system.

As Mr. Macmillan said yesterday,² the language and the spirit of the directive are that Germany should again become a nation which would determine its own foreign policy and its own domestic policy and decide on a national basis what kind of a social system it wanted. That feature of the directive, it seems, is now abandoned by the Soviet Delegation even though that seems to involve also an abandon-

Republic of their right through a free government, chosen by free elections, to associate themselves with the North Atlantic Treaty¹ and with the Brussels Treaty for Western European Union.²

I am not quite clear, nor has it been pointed out, what are the specific features, for example, of the Brussels Treaty which the Soviet Union finds objectionable.

Is it objectionable that by joining that treaty the Federal Republic agrees closely to limit its military forces—to limit them to a degree far more modest than that which is the case with respect to the so-called GDR?³ Is it objectionable that the Federal Republic of Germany foregoes the right to have atomic weapons, bacteriological weapons and chemical weapons? Is that objectionable? Is it objectionable that under the Brussels Treaty the military establishments and armaments of the Federal Republic are subject to investigation and control through the Brussels Treaty Council representing predominantly states which in the past have suffered from German aggression? Is it objectionable that by that Treaty and by the North Atlantic Treaty the Federal Republic of Germany solemnly is committed to a purely defensive posture for the future?

The Federal Republic of Germany in the exercise of its sovereign rights has followed a foreign policy which carries it into such a course designed to assure that Germany will not be again a militaristic country and that it will live peacefully in association with its neighbors. That is a right which we believe should be preserved for the unified Germany—not that we know or demand that it should exercise its right in any particular way. We provide that it should be entirely free. We do recognize that Germany operating as our directive says upon a “national” basis shall have the right to determine its own foreign policy as well as its own domestic policy.

In this connection I recall a provision of the Eden Plan⁴ which forms a part of the proposal submitted here last week, which reads: “The all-German Government shall have authority to assume or reject the international rights and obligations of the Federal Republic and the Soviet Zone of Germany and to conclude such other international agreements as it may wish”.

In consonance with the directive, our plan affirmatively provides and contemplates that in terms of domestic policy, for example, the kind of social system they want, and also in terms of foreign policy that the German nation as established through free elections will be in charge of its own destiny and decide what it wants: whether it wants to accept or to reject the kind of relations which now exist between either the Federal Republic of Germany and its neighbors to the West or the relations which exist between the so-called GDR

try to decide for the Germans what will be their future policy either internally or externally.

That leads me to the fourth element in the directive to which we have referred, namely, that German reunification shall be carried out in "the interests of European security".

Mr. Molotov suggested yesterday that perhaps nations which "were not very close to the conflagration" were not very good judges as to how to prevent a recurrence of such conflagrations for the future. I assume that that had reference to the United States, which is the only one of the four of us whose land was not directly attacked by the Nazi forces. I would say that, while the losses of the United States in the first and second world wars were not as great as some others, nevertheless we did pour out a sufficient volume of blood and treasure in both of those world wars so that I would think that it could be assumed that we would be anxious not to have to do so again.

But if that assumption is not entertained by the Soviet Union, I would think at least that the Soviet Union would recognize that France is a country which is qualified to speak on that subject; and I was deeply moved, as I think all of us must have been, at the words of President Pinay yesterday on this subject.¹ He pointed out a fact which is so clear that none of us who is interested in the peaceful future can be blind to it: namely, that the greatest danger of recreating German militarism is by perpetuating the division of Germany.

I was particularly struck by that because I was at the Versailles Peace Conference—I think I am perhaps the only one here who can claim that honor, if it be such—and I recall the well-intentioned plans which were there evolved and embodied in that peace treaty to prevent a second world war by means of repressions, the division of Germany, and a series of measures, which as it turned out, merely provoked after a period of pacificism a rebirth of fanatical nationalism.

Mr. Molotov has suggested that that rebirth of militarism occurred because they had free elections in Germany. Well, in the first place Mr. Hitler did not come to power through free elections. The last free election held in Germany showed a decline in Hitler's vote. But the fact that he had any large vote at all was due to the pre-existence of measures which aroused fanatical German nationalism. As President Pinay said, any of us who study history must see clearly the lesson which it teaches as we face again the problem of Germany. If we are capable at all of learning from the lesson of history, we must realize that to continue indefinitely the division of Germany is the most dangerous thing that we can do. That is surely the reason why

German people have learned something too. We have all, in varying degrees, suffered greatly from past German aggressions, but I do not think that any nation in history ever suffered as severely as did the German nation as it faced defeat during the closing period of World War II. And if today we see, at least in the Federal Republic of Germany, fifty million Germans who are eager to promote European security by associating themselves with others in a way which will assure a limitation of their armaments, an exclusion of their use of the most dangerous kinds of weapons, and the acceptance of controls, that is because the German people, certainly the German people of this generation, want to make sure that the lesson which they have learned will be accepted and so riveted into the very warp and woof of German life that there will never again be the opportunity for a future generation to commit the follies which have been committed by Germans of the past over a good many generations.

So as we consider this fourth element in our directive, "the interests of European security," let us never forget what is said in the opening of our directive, "the close link between the reunification of Germany and the problems of European security," and let us make sure that we do not perpetuate what, in my opinion, could bring about a rebirth of excessive nationalism in Germany; that is, the continued division of a great people.

So, Mr. Chairman, for the reasons I have given, the explicit mandate we have from our Heads of Government, the reasons for that mandate—reasons which are indelibly marked on the pages of history—let us in truth try to bring about this reunification of Germany. I ask the Soviet Delegation, which has every reason to be moved by the same considerations as I think move us, to submit to us a proposal for the reunification of Germany by means of free elections to be carried out in conformity with the national interests of the German people, and in the interests of European security.

130. STATEMENT BY THE SECRETARY OF STATE, NOVEMBER 4, 1955¹

Mr. Chairman, we have now completed a week of discussion, and now we are about to proceed into three days of recess, and it did occur to me that it might be useful to try to sum up the position that we are now in.

We are working still on the first item of the Directive,² European security and Germany. In that matter, I recall that we were in

force; the denial of assistance to an aggressor; the limitation, control, and inspection of armed forces and armaments; and the establishment of a zone between the East and the West in which the disposition of armed forces will be subject to mutual agreement.

The Directive then goes on to say that "The Heads of Government recognizing their common responsibility for the settlement of the German question and the reunification of Germany, have agreed that the settlement of the German question and the reunification of Germany by means of free elections, shall be carried out in conformity with the national interests of the German people and the interests of European security".

The three Western powers, in an effort faithfully to carry out the Directive, submitted on October 28 [27] a proposal¹ which did take account of the close link between the reunification of Germany and the problems of European security. Our proposal ties the two together and comprises, on the one hand, a proposal with reference to security on the assumption that Germany will be reunified as our Heads of Government agreed; and, on the other hand, a concrete proposal for the reunification of Germany by means of free elections as our Directive specifies.

The Soviet Union on October 28 submitted a proposal for European security,² which almost wholly ignored the specifications of our Directive as to security features which we were instructed to consider. Furthermore, it ignored the instruction to take account of the close link between the reunification of Germany and the problems of European security. This Soviet security proposal did not recognize any link at all between security and the reunification of Germany; on the contrary, it assumed the division, and, apparently, the indefinite division of Germany. Subsequently, on the 31st of October, the Soviet Union made new security proposals,³ which, although they still disregard the link with German reunification, did more fully meet the specifications of the Directive as to the scope and nature of security. Because of that, these new proposals approached those which had been made on October 28 [27] by the Western powers in conformity with the Directive.

In a statement which I made at our fifth session on November 2,⁴ I made a comparative analysis of the Western security proposals and the new proposals of the Soviet Union, and pointed out, item by item, the extent to which, by conforming to the Directive, they coincided with each other.

Of course, there remains the fundamental and critical difference that our security proposal presupposed a united Germany, while the Soviet proposal presupposed a divided Germany. Nevertheless, the

as to the close link between the reunification of Germany and European security.

I do not minimize the serious problems which will, no doubt, arise as we undertake the task of converting our security proposals, now presented in general terms, into concrete treaty clauses. Nevertheless, it is encouraging that, subject to the fundamental and critical difference which I have referred to, there is a very considerable measure of agreement in principle as to how to get security in Europe.

Mr. Molotov has asked a good many questions about our security proposals, questions which we have answered even though Mr. Molotov does go on asking them again. Perhaps his confusion comes from the fact that it is indeed difficult to have a complete meeting of minds until we know we are both proceeding from the same premise, namely, the reunification of Germany.

So, that is where we stand on European security.

With respect to the reunification of Germany, the Soviet Delegation still continues to be totally unresponsive to the specific direction under which we are operating. The only proposal of the Soviet Union is a proposal which says that, and I quote from it: "The German people are deprived of the possibility of living in a united state", and which, accordingly, calls for a consultative council to be formed by representatives of the so-called German Democratic Republic and the German Federal Republic.¹

The Soviet Union has not submitted any proposal for the reunification of Germany by means of free elections and so far declines to consider the proposal which the Western powers have made in this respect.

So that is where we stand with respect to German reunification.

I find it hard to believe that this rigid and unresponsive position of the Soviet Union is final.

The Soviet Delegation may now believe, as it so ardently argues, that there is no close link between the reunification of Germany and European security. But the four Heads of Government agreed, last July, that there is a close link between European security and the reunification of Germany, and they instructed us to take that into account.

The Soviet Delegation may now believe that, as its proposal says, the Germans do not now have "the possibility" of living in a united state. But the four Heads of Government determined, last July, that Germany had that possibility and that Germany should be reunified.

The Soviet Delegation may now believe, as it so ardently argues, that free elections are bad. But the four Heads of Government agreed, last July, that Germany should be reunified "by means of free elections."

The Soviet Delegation may now believe, as it so ardently argues, that G

should take place, and take place in conformity with the "national" interests of the German people. There was no precondition that there should be preserved a sectional system which has been imposed from without and which the German people, once they become again a whole nation, may, if they wish, either accept or repudiate.

It may be tiresome that I repeat, again and again, the refrain of adhering to our Directive. I cannot, however, in good conscience do otherwise. The four Heads of our Governments reached an agreement last July at Geneva which gave rise to new hopes throughout the world.

President Eisenhower, on returning from Geneva, made a radio and television broadcast to the American people¹ in which he referred to these agreements that had been made and he said, "We are profoundly hopeful that these assurances will be faithfully carried out." Then he went on to say, "The acid test should begin next October because then the next meeting occurs. It will be a meeting of the Foreign Ministers. Its principal purpose will be to take the conclusions of this conference as the subjects to be discussed there and the general proceedings to be observed in translating those generalities that we talked about into actual, specific agreements."

We believe, Mr. Chairman, that our task here is to carry out faithfully the assurances that were given last July and to translate those assurances into actual, specific agreements. That is why we have joined with Britain and France in making specific proposals with reference to European security, which took into account the close link between that security and the reunification of Germany. That is why we submitted concrete proposals for the reunification of Germany by means of free elections.

We are, as President Eisenhower said, facing the acid test. I hope that we shall pass it. Certainly if we fail it will not be because of any unwillingness on the part of the three Western delegations to see that the assurances of last July will, in fact, be faithfully carried out.

Thank you, Mr. Chairman.

131. PROPOSAL BY THE AMERICAN, BRITISH, AND FRENCH DELEGATIONS, NOVEMBER 4, 1955²

Reunification of Germany by Free Elections

On the joint initiative of the Governments of France, the United Kingdom, the United States and the Federal Republic of Germany

the reunification of Germany in freedom in accordance with the Plan presented by the Three Powers on October 28 [27]:¹

Draft Decision of the Conference

In conformity with the common responsibility of their government for the settlement of the German question and the reunification of Germany and in compliance with the Directive of their Heads of Government that the settlement of the German question and the reunification of Germany by means of free elections shall be carried out in conformity with the national interests of the German people and the interests of European security, the Foreign Ministers of France, the U.K., the USSR, and the U.S. have agreed as follows:

1. Free and secret elections shall be held throughout Germany during September 1956, for the selection of representatives for an all-German National Assembly to draft a constitution and to form a government thereunder for a reunified Germany.

2. Each of the Four Powers will designate a representative to the Commission to prepare, in consultation with German experts, the electoral law for such elections, including effective provisions for safeguards and supervision to insure the freedom of such elections.

3. The Commission shall undertake its functions promptly and shall submit its report to the Four Powers by January 1956.

**132. STATEMENT BY THE SECRETARY OF STATE,
NOVEMBER 9, 1955²**

Yesterday, Mr. Molotov, just returned from Moscow, made a statement on behalf of the Soviet Union.³ It had such grave implication that I asked that we should suspend our meeting until today so as to be able to give his statement deliberate thought. I am now in a position to express the views of my Government.

My first observation is that the Soviet position if persisted in will perpetuate conditions which put in jeopardy the peace of Europe. My second observation is that it strikes a crippling blow at the possibility of developing relations of confidence with the Soviet Union. I ask your permission, Mr. Chairman, to deal with these two points in order.

I.

The Soviet Union says in the most categorical manner that the security of Europe is best assured by a continued division of German

future ahead of it because it is moving along the main road of progress and because it has strong and loyal friends." It is, he said, "impossible to accept" a reunification of Germany which might jeopardize that "great future" for this Sovietized segment of Germany.

But, Mr. Chairman, the Directive which brought us here,¹ and which ought to guide us here, did not ask us to judge of the relative merits of social systems as between that of the Federal Republic of Germany and that of the so-called "German Democratic Republic". It told us to reunite Germany in the "national interest". Thus, the German people themselves will determine under what system they want to live.

The problem which our Heads of Government did direct us to study was how to assure European security and German reunification—two problems which the four Heads of Government agreed were closely linked.

It is, I think, a fair interpretation of our Directive that the four Heads of Government recognized that European security would be endangered if there was not a reunification of Germany. Certainly that is the view of the United States Government.

As President Eisenhower pointed out in his address, which opened the Geneva Conference last July, the division of Germany prolonged for over ten years "does a grievous wrong to a people which is entitled, like any other, to pursue together a common destiny. While that division continues, it creates a basic source of instability in Europe. Our talk of peace has little meaning if[,] at the same time we perpetuate conditions which endanger the peace."²

And because our Directive specifically requires us to take account of the close link between the reunification of Germany and the problems of European security, the Western powers[,] loyally complying with the Directive, proposed a security system based upon a reunified Germany.³ The proposals which we made embody greater assurance than have ever before been contrived to preserve the peace. There would be not only solemn undertakings to abstain from aggression, to withhold help to an aggressor, and, in effect, to guarantee against aggression, but there would be physical and material safeguards, consisting of a level of forces to be agreed upon and actual inspection to ensure that these levels were maintained. There would be ample and dependable safeguards, in which the Soviet Union, Poland, and Czechoslovakia would take part, against re-creation of a menacing military force. There would be novel and effective provisions to ensure against any possibility of surprise attack.

These provisions, based on a reunified Germany, would give Europe a security which it has not known for hundreds of years. Indeed the merit of the proposals we made was so obvious that the Soviet

Soviet Union has made, are predicated upon the continued division of Germany.

As President Eisenhower said again and again last July, "European security and the reunification of Germany are inseparable." It is not possible to have European security without the reunification of Germany.

I recall that Mr. Molotov, speaking on October 31, 1939, after the outbreak of the Second World War, referred to the relations between Germany and the other Western European States during the preceding two decades, and to what he called the "German efforts to break the fetters of the Versailles Treaty." "This it is", he said, "that in the long run led to the present war in Europe."¹

The Versailles Treaty did impose certain fetters upon Germany. But nothing that the Versailles Treaty did compares with the cruelty and injustice of dividing the German people by the separation from Germany of the Soviet Zone comprising 17,000,000 Germans. The anguish of this is demonstrated by the fact that 2,704,680 Germans at the cost of great sacrifice and risks, fled from the Soviet Zone into West Germany. During the last month of October there were 32,871 refugees.

The situation, thus dramatized, cannot be indefinitely perpetuated without grave risk.

Yet, it is to perpetuate this very risk that the Soviet Union finds itself compelled to reject the far-reaching and solid security proposal which I referred to. Surely, better statesmanship than that can be found.

We urge upon the Soviet Government that it should not perpetuate the injustice of a divided Germany with the menace which it carries to European security. Can we not learn from the lesson of Versailles? We make that plea, and we shall go on making it, in the hope, and indeed, in the expectation that before it is too late wisdom will prevail.

II.

I turn now to the effect of the Soviet action upon international relations generally. I recall that Chairman Bulganin, in his opening statement at the July conference, said that the purpose was "to achieve a relaxation of international tension and bring about a feeling of confidence between nations."² In his final speech he said what took place in Geneva "has its positive significance for the relaxation

¹ *Soviet Peace Policy: Four Speeches by V. Molotov* (London, 1941), p. 32. According to this version, Mr. Molotov said: "Relations between Germany and Western European bourgeois States have been determined primarily by Germany's efforts to break the fetters of the Versailles Treaty whose authors were Great Britain and France with the active participation of the U. S. A. This it was which in the long run led to the present war in Europe."

² Statement of July 18, 1955; *The Geneva Conference of Heads of Government*, pp. 35-43 (where the English translation of this portion of Mr. Bulganin's remarks differs slightly from that cited by Mr. Dulles).

of tension in the relation[s] between states[,] for the re-establishment of the necessary confidence between them.”¹

The Heads of Government had to reconcile many differences before they reached the final agreement which is embodied in the Directive which they gave us. But it was, after much debate, finally agreed that there was a “close link between the reunification of Germany and the problems of European security.” Furthermore, the Heads of Government reaffirmed their common responsibility “for the reunification of Germany.” They “agreed” upon “the reunification of Germany by means of free elections, to be carried out in conformity with the national interests of the German people and the interests of European security”.

The United States Government believed that at the very least this solemn agreement meant that when the Foreign Ministers met there would be a serious discussion both of European security and of the reunification of Germany.

There has been such a discussion with reference to European security; indeed, it produced a considerable measure of agreement on the component elements needed for security. That fact has been noted with satisfaction by both the Western powers and by the Soviet Delegation.

It was, I think, demonstrated that there could be put around a united Germany a dependable framework of European security.

But when we turned to consider the reunification of Germany, the Soviet Delegation refused to consider it at all despite the explicit words in the Directive under which we are operating. The Soviet Delegation refused to consider the proposals of the Western powers—their serious and detailed proposals for German reunification. The Soviet Delegation refused to make any proposals of its own on the subject of German reunification. The Soviet proposal for an “all-German Council” did not even purport to charge that Council with any responsibility to reunify Germany; indeed, it was calculated to perpetuate the division of Germany.

The Government of the United States believes that the refusal of the Government of the Soviet Union even to discuss seriously the reunification of Germany involves a grave breach of the agreement of the Heads of Government. The effect of this is bound to affect adversely the overall relations of the Soviet Union with other countries including the United States.

I would be less than frank if I did not say that so far as the United States is concerned, what has happened here has largely shattered such confidence as was born at the Summit Conference at Geneva. There can, of course, be peace and a limited degree of working

here the problem of disarmament and the development of relations between the East and the West. But I am bound to say that these discussions will profit us little when we feel that we cannot make agreements between us which are dependable.

III.

Mr. Chairman, the peoples of all the world were heartened by the agreement of the Heads of Government reached here last July. As President Eisenhower said in his closing statement at the Conference, ". . . only history will tell the true worth and reach of our session together. The follow-through from this beginning by the respective Governments will be decisive in the measure of our success." And he went on to say, "The work of our Foreign Ministers as they strive to implement our Directive, will be of great importance. Perhaps, even more important [*perhaps of even more*] than what we have done here.]"¹

I greatly fear that what has been done here, or, more accurately, what has *not* been done here despite the explicit terms of the Directive, will be viewed with grave discouragement and concern throughout the world.

It is not the desire or the intention of the United States Government that we can control it, to revert to the conditions which existed before the meeting of the Heads of Government last July. It is our intention to continue to strive by all the means in our power for a durable peace. But I do deplore the set-back to European security and the damage to the spirit of Geneva which has been inflicted by the Soviet Union.

When the issues are as great as those here at stake, we must not easily be discouraged. It is still our hope that the Soviet Government, if not now, then soon, may give loyal substance to the agreement of the Heads of Government that Germany shall be reunified through free elections.

When that day comes, European security can be assured. The spirit of Geneva will have borne a major part of the good that it seemed to offer to the world.

133. DECLARATION BY THE FOREIGN MINISTERS OF THE UNITED STATES, THE UNITED KINGDOM, AND FRANCE, NOVEMBER 16, 1955²

Tripartite Declaration on Germany and European Security

Soviet Foreign Minister on what the Four Heads of Government in July agreed were the closely linked problems of German Reunification and European Security. To this end they made a proposal for the Reunification of Germany by free elections in 1956 and for a Treaty of Assurance giving the Soviet Union far-reaching safeguards against aggression when Germany was reunified.

Marshal Bulganin in July had agreed that the Reunification of Germany was the common responsibility of the Four Powers and should be carried out by means of Free Elections. The Soviet Foreign Minister, however, despite the Directive of the Heads of Government, made it plain that the Soviet Government refused to agree to the Reunification of Germany since that would lead to the liquidation of the East German regime. He made counterproposals which would have involved the continued division of Germany as well as the eventual dissolution of the Western security system. It is for this reason that the negotiations have failed.

The Foreign Ministers of France, the United Kingdom and the United States of America are aware that this result must bring a sense of cruel disappointment to the German people, East and West of the Iron border which now unjustly divides them. However, the three Foreign Ministers believe that the Soviet Government will come to recognize that its own self-interest will be served by ending the injustice of a divided Germany. They believe that the Soviet Government will realize that so long as it persists in withholding unity from the German people, thus perpetuating the division of Europe, there can be no solid security in Europe, nor indeed in the world.

The three Western Powers will themselves not cease their efforts to end the injustice and wrong now being done by dividing the German people and will continue to stand ready to contribute to the security which can be enjoyed by all only when Germany is reunified.

[For the texts of Secretary Dulles' statement of November 16, 1955, and the quadripartite communiqué of the same date, see *infra*, pp. 2035-2039. The text of Secretary Dulles' address of November 18, 1955, is printed *supra*, pp. 115-122.]

Part XI

THE SOVIET UNION

A. GENERAL

1. TENSIONS BETWEEN THE UNITED STATES AND THE SOVIET UNION: Address by the Secretary of State 1950 ¹

The right and obligation of the Secretary of State to speak on behalf of the American people, to the fellow citizens, or to the representatives of other nations in the conduct of our foreign relations is not derived from any claim on his part of special knowledge or wisdom which makes him right and other people wrong. It is derived from the fact that our forefathers by free choice made out and approved a Constitution. This Constitution, with its amendments and interpretations which have made it a living thing, has survived to this day as an expression of the will of the American people. A President is duly elected under this Constitution and is clothed with a heavy and solemn responsibility to direct the foreign relations of the American people. The President has, in accordance with the advice and consent of the Senate, appointed a man to be Secretary of State to assist him in the conduct of our foreign relations. This right to speak on your behalf results directly from the constitutional processes by which the American people provide a government for themselves in an orderly, clear, and democratic manner.

SOVIET PHILOSOPHY OF IMPERIALISM

A little over 30 years ago, there came into power in one of the countries of the world a group of people who also claim to speak on your behalf. That claim was based not on any constitutional procedure, or on any expression of the will of those who they claimed to represent. It was based on a claim of a monopoly of knowledge made to a monopoly of the knowledge of what was

writings of a mid-nineteenth century German economist and theorist Karl Marx.

I have no desire to debate here the errors of one version or another of what is today called "Marxism." But I think it must be recognized in the light of the experience of the last 100 years, that many of the premises on which Marx based his thought have been belied by the known facts of what has actually happened in the decades since Marx made his studies. Marx's law of capitalist accumulation, his law as to the rate of profit, his prediction of the numerical decline of the middle classes and of the increase of the class struggle: none of these calculations has been borne out by the experience of the societies of the West. Marx did not foresee the possibility of democratic solutions.

Furthermore, the body of doctrine now professed by the Moscow-controlled Communists is only tenuously identified with Marx's writings and is largely overlaid with Russian imperialism. We certainly cannot accept the thesis that such a doctrine can serve as the justification for the right of a small group of individuals to speak for the great masses of human beings who have never selected them as their spokesmen and whose own opinions they have never consulted.

Now, for three decades this group of people, or their successors, has carried on as the rulers of that same great country. They have always, at the same time, maintained the pretense that they are the interpreters of the aspirations of peoples far beyond their borders. In the light of that professed philosophy, they have conducted, as masters of the Russian state, a foreign policy which now is the center of the most difficult and troublesome problems of international affairs—problems designed to keep the peoples of the world in a state of deepest apprehension and doubt. In addition to this, they have operated within the limits of the Soviet state on the basis of a domestic policy founded, they say, on the same philosophy.

There are many points in this philosophy, and particularly in the way in which it has already been applied in practice in the Soviet Union and elsewhere, which are not only deeply repugnant to us, but raise questions involving the most basic conceptions of good and evil—questions involving the ultimate moral nature of man. There is no use in attempting to ignore or gloss over the profundity of this conflict of view.

PHILOSOPHY OF A FREE SOCIETY

The free society values the individual as an end in himself. It requires of him only that self-discipline and self-restraint which make the rights of each individual compatible with the rights of every other.

It does not fear, rather it welcomes, diversity and strength from freedom of inquiry and tolerance even of ideas.

THESES OF INTERNATIONAL COMMUNISM

We can see no moral compromise with the contrary international communism: that the end justifies the means and all methods are therefore permissible, and that the human individual is of no importance as against the state.

To our minds, these principles mean, in their practical application, the arrogation to individual human leaders, with all the frailties and limitations, of powers and pretenses which would be willing to concede only to the infinite wisdom and of a Divine Being. They mean the police state, with all it implies; a regimentation of the worker which is hardly distinguishable from slave labor; a loss to society of those things which make life worth living; a denial of the fundamental values embodied in all the great religions of the world.

Here is a moral issue of the clearest nature. It cannot be evaded. Let us make no mistake about it.

Yet, it does not follow from this that the two systems, ours, cannot exist concurrently in this world. Good and evil do exist concurrently in the whole great realm of human existence within every individual, within every nation, and within every human group. The struggle between good and evil cannot be confined to governments. That struggle will go on, as it always has, in the wider theater of the human spirit itself.

But it also does not follow from this coexistence of good and evil that the two systems, theirs and ours, will necessarily exist concurrently. That will depend largely on them, and we ourselves do not find impossibility in the prospect of coexistence with the Soviet system.

However much we may sympathize with the Soviet system for reasons bedded deep in history are obliged to live under it and not attempting to change the governmental or social structure of the Soviet Union. The Soviet regime, however, has devoted a large portion of its energies and resources to the attempt to impose its system on other peoples. In this attempt, it has shown a willingness to resort to any method or stratagem including threats, and even military force.

Therefore, if the two systems are to coexist, some acceptance must be found to free the world from the destructive tensions of a world in which the two systems are in direct

least in reasonable security. What is it which the leaders of international communism could do to make such coexistence more tolerable to everyone?

There are a number of things they could do, which, while leaving much yet to do, would give the world new confidence in the possibility of peaceful change, in the principle and processes of peaceful settlement as an effective means of finding workable solutions in areas of disagreement.

Let us look, first, at the points where we and they are perhaps most closely in contact and where the establishment of peace in its narrowest, most limited sense is dangerously impeded by the absence of common ground.

DEFINITION OF TERMS OF PEACE

It is now nearly 5 years since the end of hostilities, and the victorious Allies have been unable to define the terms of peace with the defeated countries. This is a grave, a deeply disturbing fact. For our part we do not intend nor wish, in fact we do not know how, to create satellites. Nor can we accept a settlement which would make Germany, Japan, or liberated Austria satellites of the Soviet Union. The experience in Hungary, Rumania, and Bulgaria has been one of bitter disappointment and shocking betrayal of the solemn pledges by the wartime Allies. The Soviet leaders joined in the pledge at Tehran that they looked forward "with confidence to the day when all peoples of the world may live free lives, untouched by tyranny, and according to their varying desires and their own consciences."¹ We can accept treaties of peace which would give reality to this pledge and to the interests of all in security.

With regard to Germany, unification under a government chosen in free elections under international observation is a basic element in an acceptable settlement. With that need recognized and with a will to define the terms of peace, a German treaty could be formulated which, while not pretending to solve all of the complex and bitter problems of the German situation, would, nevertheless, go far toward a relaxation of a set of major tensions.

With regard to Austria, that unhappy country is still under occupation because the Soviet leaders do not want a treaty. The political and economic independence of Austria is being sabotaged by the determination of the Soviets, camouflaged in technicalities, to maintain their forces and special interests in eastern Austria.

With regard to Japan, we feel that the Soviet leaders could recognize the interest which nations other than the members of the Council of Foreign Ministers have in a Japanese peace treaty and could refrain

accepting its report as the basis for a peaceful settlement of the liberated country's problems. They could repatriate Japanese prisoners of war from Siberian camps. They could refrain from subverting the efforts of the newly independent states of Asia and their native leaders to solve their problems in their own way.

USE OF FORCE

With regard to the whole group of countries which we are accustomed to think of as the satellite area, the Soviet leaders could withdraw their military and police force and refrain from using the shadow of that force to keep in power persons or regimes which do not command the confidence of the respective peoples, freely expressed through orderly representative processes. In other words, they could elect to observe, in practice, the declaration to which they set their signature at Yalta concerning liberated Europe.¹

In this connection, we do not insist that these governments have any particular political or social complexion. What concerns us is that they should be truly independent national regimes, with a will of their own and with a decent foundation in popular feeling. We would like to feel, when we deal with these governments, that we are dealing with something representative of the national identity of the peoples in question. We cannot believe that such a situation would be really incompatible with the security of the Soviet Union.

This is a question of elementary good faith, and it is vital to the spirit of confidence that other treaties and other agreements will be honored. Nothing would so alter the international climate as the withholding of elections in the satellite states in which the true will of the people could be expressed.

OBSTRUCTION IN THE UNITED NATIONS

The Soviet leaders could drop their policy of obstruction in the United Nations and could instead act as if they believe the United Nations is, as Stalin himself has recently called it, a serious instrumentality for the maintenance of international peace and security. They are simply not acting that way now.

Their policy of walk-out and boycott is a policy that undermines the concept of majority decision. Indeed, they seem deliberately to entrench themselves in a minority position in the United Nations. This was illustrated last fall when they voted against the Essential Peace Resolution² which solemnly restated and reaffirmed the principles and purposes of the United Nations Charter and which pointed to practical steps which Members should take to support the peace.

majority side. There is nothing artificial about this situation. It has not been the result of any sleight of hand or pressures on our part. We do not have any satellites whose votes we control. The significant fact is that proposals which have commended themselves to a majority of the members of the United Nations have also commended themselves to us.

Let the Soviet Union put forward in the United Nations genuine proposals conducive to the work of peace, respectful of the real independence of other governments, and appreciative of the role which the United Nations could and should play in the preservation of world stability and the cooperation of nations. They will, then doubtless have a majority with them. We will rejoice to see them in such a majority. We will be pleased to be a member of it ourselves.

EFFECTIVE CONTROL OF ATOMIC ENERGY

The Soviet leaders could join us in seeking realistic and effective arrangements for the control of atomic weapons and the limitation of armaments in general. We know that it is not easy for them under their system, to contemplate the functioning on their territory of an authority in which people would participate who are not of their political persuasion.

If we have not hesitated to urge that they as well as we accept this requirement it is because we believe that a spirit of genuine responsibility to mankind is widely present in this world. Many able administrators and scientists could be found to operate such an authority who would be only too happy, regardless of political complexion, to take an elevated and enlightened view of the immense responsibility which would rest upon them. There are men who would scorn to use their powers for the negative purpose of intrigue and destruction. We believe that an authority could be established which would not be controlled or subject to control by either ourselves or the Soviet Union.

ATTEMPTS AT UNDERMINING ESTABLISHED GOVERNMENTS

The Kremlin could refrain from using the Communist apparatus controlled by it throughout the world to attempt to overthrow, by subversive means, established governments with which the Soviet Government stands in an outward state of friendship and respect. In general, it could desist from, and could cooperate in efforts to prevent, indirect aggression across national frontiers—a mode of conduct which is inconsistent with the spirit and the letter of the United Nations Charter.

The standards of conduct of our own representatives from more than a century and a half of American diplomacy. These standards are such that all countries which have accepted our representatives in a spirit of respect and good will over periods of many decades have certainly remained none the less for it. The independence of those countries has not been undermined; their peoples have not been corrupted; their economies have not been scathed by sabotage.

When we now find our representatives treated as criminals, we see great official propaganda machines reiterating that the Soviet is a sinister people and that contact with them is pregnant with danger. We cannot believe that such insinuations are advanced in good faith, and we cannot be blind to the obvious implications of such a charge.

DISTORTION OF MOTIVES OF OTHERS

In general, the Soviet leaders could refrain, I think, from habitually distorting to their own peoples the picture of the world outside their borders, and of our country, in particular.

We are not suggesting that they become propagandists for their country or system other than their own. But the Soviet people know and the world knows with what genuine disappointment and concern the people of this country were brought to the realization that the wartime collaboration between the major Allies might be the beginning of [a] happier and freer era in the association of the peoples of the Soviet Union and other peoples.

What are we now to conclude from the morbid fancies which Soviet propaganda exudes of a capitalist encirclement, of a United Nations conspiracy and systematically plotting another world war? They know, and the world knows, how foreign is the concept of aggression to our philosophy and our political system. They know that they are asking to be the objects of any insincere and effusive demonstration of sentimental friendship. But we feel that the Soviet leaders should at least permit access to the Soviet Union of persons and information from other countries so that other views might be presented to their people.

These are some of the things which we feel that the Soviet leaders could do, which would permit the rational and peaceful development of the coexistence of their system and ours. They are not things which go to the depths of the moral conflict. They are not things which resolve the Kingdom of Heaven. They have been formulated not as moralists but as servants of government, anxious to get on with the practical problems that lie before us, and to get on with

GREATER SECURITY THROUGH COOPERATION

The United States is ready, as it has been and always will be, to cooperate in genuine efforts to find peaceful settlements. Our attitude is not inflexible, our opinions are not frozen, our positions are not and will not be obstacles to peace. But it takes more than one to cooperate. If the Soviet Union could join in doing these things I have outlined, we could all face the future with greater security. We could look forward to more than the eventual reduction of some of the present tensions. We could anticipate a return to a more normal and relaxed diplomatic atmosphere and to progress in the transaction of some of the international business which needs so urgently to be done.

I fear, however, that I must warn you not to raise your hopes. No one who has lived through these postwar years can be sanguine about reaching agreements in which reliance can be placed and which will be observed by the Soviet leaders in good faith. We must not in our yearning for peace, allow ourselves to be betrayed by vague generalities or beguiling proffers of peace which are unsubstantiated by good faith solidly demonstrated in daily behavior. We are always ready to discuss, to negotiate, to agree, but we are understandably loath to play the role of international sucker. We will take the initiative in the future as we have in the past in seeking agreement whenever there is any indication that this course would be a fruitful one. What is required is genuine evidence in conduct, not just in words, of an intention to solve the immediate problems and remove the tensions which divide us. I see no evidence that the Soviet leaders will change their conduct until the progress of the free world convinces them that they cannot profit from a continuation of these tensions.

So our course of action in the world of hard reality which faces us is not one that is easily charted. It is not one which this nation can adopt without consideration of the needs and views of other free nations. It is one which requires all the devotion and resolve and wisdom that can be summoned up. We have had, and continue to have, the assistance and advice of distinguished leaders in all walks of life. We have the benefit of the great public discussion which has been proceeding in the democratic way, by free inquiry and free expression.

It is my purpose in talking with you to point a direction and to define the choices which confront us. We need to stand before the world with our own purpose and position clear.

We want peace, but not at any price. We are ready to negotiate but not at the expense of rousing false hopes which would be dashed.

ahead with the building of a free world which is strong in its in its material progress. The alternative is to allow the free world to succumb, one by one, to the erosive and encroaching power of Soviet expansion.

We must not slacken, rather we must reinvigorate, the democratic efforts which are represented by the European Recovery Program,¹ the North Atlantic² and Rio Pacts,³ the Mutual Assistance Program,⁴ the Point 4 Program⁵ for developing new workshops and assistance in creating the conditions necessary for a growing, many-sided exchange of the world's products.

We must champion an international order based on the United Nations and on the abiding principles of freedom and justice in an international society increasingly torn by destructive rivalries.

We must recognize that our ability to achieve our purposes rests alone on a desire for peace but that it must be supported by the strength to meet whatever tasks Providence may have in store.

We must not make the mistake, in other words, of using the Soviet conduct as a standard for our own. Our efforts cannot be swayed by reactions to the latest moves by the Kremlin. The bipartisan character of American foreign policy has been and must continue to be a constructive task of building, in cooperation with others, the free world in which freedom and justice can flourish. We must not be turned aside from this task by the diversionary thrusts of the Soviet Union. And if it is necessary, as it sometimes is, to deal with a thrust or the threat of one, the effort should be understood as a necessary, though essential, is outside the main stream of our policy.

Progress is to be gained in the doing of the constructive task by giving practical affirmation to the principles by which we live.

The success of our efforts rests, finally, on our faith in our principles and in the values for which this Republic stands. We will need courage and steadfastness and the cool heads and steady nerves of the American people which has always faced the future "with malice toward none and charity for all, with firmness in the right as God gives us to see right, . . ." ⁶

¹ See *A Decade of American Foreign Policy*, pp. 1268-1327.

² Treaty of Apr. 4, 1949; *supra*, pp. 812-815.

³ Treaty of Sept. 2, 1947; *supra*, pp. 789-796.

⁴ See *A Decade of American Foreign Policy*, pp. 1356-1364.

⁵ See *ibid.*, pp. 1366-1372.

⁶ President Lincoln's second inaugural address, Mar. 4, 1865. See Richardson, *A Compilation of the Messages and Papers of the Presidents* (Washington, 1897), vol. VI, pp. 277-278.

2. SOVIET VIOLATIONS OF TREATIES AND AGREEMENTS

Department of State Memorandum, June 1950 ¹

The instability of peace the world over is due, in large measure, to deliberate Soviet policy and actions and to the wholesale Soviet violation of basic agreements. Because of the U.S.S.R.'s record in ignoring its international pledges, the faith of the world in Soviet signatures had been badly shattered. Whether it be the Yalta agreement or a treaty of friendship, the U.S.S.R. has chosen to ignore its sworn commitments whenever it has found such action advantageous for its own purposes.

As it ruthlessly pursues its expansionist objectives in the postwar world, the Soviet Union is building up a reputation as an irresponsible international marauder. Before the court of world opinion, it stands indicted for disregarding its international treaties and agreements, openly flouting protocols and promises, and encouraging violations of basic human rights by other treaty signatories. Because of its policy of refusal to work in concert with other nations, its preference for abrupt and unauthorized unilateral action, and its apparent determination to impose its will upon the world, the value of agreements with the Soviet Union has been nullified. From Yalta to the present, the broken pledges of the U.S.S.R. have marked international relations. A review of this record is worthwhile.

EUROPE

The uncertain peace of postwar Europe is primarily due to the fact that the Russians have deliberately undermined the foundations upon which peace was to be built. The Soviet Union has violated the Yalta agreement of February 1945,² the Potsdam Declaration of July 1945 [*Protocol of Proceedings of the Potsdam Conference of August 1, 1945*],³ and the peace treaties so far concluded with the ex-German satellites.⁴ Soviet violation of Allied armistice agreements,⁵ refusal to act in concert with the other Allies on control commissions, and even the ignoring of the decisions of the Council of Foreign Ministers can be added to those. The fact that the framework of peace has never been completed, that Austria still pleads for a treaty, and that the settlement of the German question still plagues Europe is also due to Soviet intransigence and the unreliability of its word.

¹ Department of State *Bulletin*, July 3, 1950, pp. 8-12. This memorandum brought up to date the document submitted by the Department of State to the Senate Committee on Foreign Relations on June 2, 1948; *A Decade of American Foreign Policy*, pp. 220, 222.

THE YALTA AGREEMENT

When the Big Three met at Yalta in February 1945 Governments, the United States, the United Kingdom, U.S.S.R., agreed to assist liberated people to form "interim authorities broadly representative of all democratic elements in the population and pledged to the earliest possible establishment through free elections of governments responsive to the will of the people." According to James F. Byrnes, former Secretary of State, Stalin accepted the Yalta agreement without serious dissent in an atmosphere of genial camaraderie.¹ Yet, Soviet actions consistently undermined and made meaningless this formal declaration.

THE POTSDAM DECISIONS AND THE CONTROL COUNCIL

The Potsdam Declaration of July 1945 [*Protocol of the Potsdam Conference of August 1, 1945*] aimed at the creation of a unified, democratic Germany.² To achieve this, the powers represented at the conference committed themselves to the destruction of German militarism, the wiping out of the punishment of war criminals, the decentralization of the structure of Germany, and the dissolution of concentration camps and economic power. A new democratic German government was to be developed under the supervision of an Allied Control Council (Acc), and the four Allied zone commanders were to enjoy sovereignty in their respective zones unless their powers were limited by Acc legislation. Besides dealing with Germany, the United States, the United Kingdom, and the Soviet Union agreed at Potsdam, among other things, to consult with each other on matters relating to revising the procedures of Allied Control Commissions for Bulgaria, and Hungary.³

The lack of success of the program formulated at Potsdam was laid at the door of the Soviet Union. From the inception of the Potsdam protocols, the U. S. S. R. has a record of wholesale violation of the agreement, refusal to abide by decisions of the Control Council, and a flagrant usurpation of power on the Control Council satellite area.

GERMANY

Moreover, in dealing with Germany, the Soviet Union disregarded promises made at meetings of the Council of Ministers (Comint) and the Big Three, such as the Moscow

German prisoners by that date, but she unilaterally announced a new deadline of January 1, 1950.

Under the Paris CFM communiqué of June 20, 1949,¹ each occupying power in Germany agreed to insure the "normal functioning" of transport between Berlin and the zones as well as between the Soviet and Western zones. Since January 13, 1950, the Soviet authorities have intermittently interfered with traffic between Berlin and Western Germany.

VIOLATIONS OF THE PEACE TREATIES

Upon ratification of the treaties of peace with Hungary, Bulgaria, and Rumania, on September 15, 1947,² the armistice period and the authority of the Allied Control Commissions came to an end. On this date, the treaties entered into force, and the three Governments regained a type of nominal sovereignty. In fact, however, the U.S.S.R. continued to exercise tutelary powers over them. In consequence, the implementation of the treaties is characterized by subservient fulfillment with regard to obligations toward the U.S.S.R. but by evasion, delay, and violations with reference to the Western Allies. The Soviet Union condones and in many cases abets these infringements and, as the tutelary power, must bear responsibility for them.

HUMAN RIGHTS

Under the peace treaties, the Hungarian, Bulgarian, and Rumanian Governments undertook to guarantee the enjoyment of human rights and fundamental freedoms, including freedom of expression of press and publication, of religious worship, of political opinion, and of public meeting. The U.S.S.R. directly aided and abetted these Governments in failing to fulfill these human rights clauses. Freedom of expression and of press and publication no longer exists in any of these countries. Freedom of worship is interfered with time and again, either through subtle methods or through drastic procedures such as the trials and imprisonments of church leaders. Freedom of political opinion is also violated by the forceful elimination of all political groups opposing the Communist-controlled governments of these countries.

On April 2, 1949, the United States and Great Britain charged the three Governments with having violated the human-rights obligations of the peace treaties.³ All three Governments issued denials and indicated their unwillingness to adopt the requested remedial measures.

ures.¹ The United States and the United Kingdom informed them² that in the British and American view had arisen concerning the interpretation and execution of treaties. Under the treaties, any dispute concerning the of the treaties, which is not settled by diplomatic negotiation be referred to the heads of the United States, United Kingdom, U.S.S.R. missions in the three countries. On May 31, United States called upon the United Kingdom and U.S.S.R. a meeting of the three heads of mission in each country to disputes which had arisen over noncompliance with the rights clauses. The Soviet Union, in a note of June refused to participate in the meetings, contending that no such had arisen and that there was, therefore, no reason for such. A second United States note, delivered June 30, 1949, regret for the Soviet Union's disregard of the provisions of the and again asserted that disputes did exist between the United States and the three satellite Governments. In a memorandum July 19, 1949,⁶ the Soviet Union reaffirmed its previous position and, since that time, has consistently refused to participate in the meeting on the matter.

By its stand, the Soviet Union violates the disputes clauses of the peace treaties and the offending countries are encouraged to systematically and willfully to violate their treaties.

Besides the flagrant violations of the human-rights clauses, there have been other treaty violations. In each instance, the policy of the Soviet Government is to condone the violation.

HUNGARY

Under article 10 of her treaty, Hungary undertook to observe the prewar bilateral treaties with the Allied and Associated Powers provided that the other contracting party notified the Government, within a period of 6 months of the coming into force of the peace treaty, that she desired to keep in force or revive the treaty in question. Among the prewar treaties coming within the provisions of this article was the Treaty of Friendship, Commerce and Navigation of 1925 between the United States and Hungary. Although the United States Government duly notified Hungary within the prescribed 6-month period, that she desired to keep the bilateral treaty in force, the Hungarian Government has con-

¹ See the Hungarian note of Apr. 8, 1949 (*A Decade of American Foreign Policy*, pp. 1167-1169); the Rumanian note of Apr. 18, 1949 (*ibid.*, pp. 1171-1172).

refused to fulfill its obligations under article 10 in at least two notable instances: first, in the seizure of United States property; and second, in the arrest and trial of two American citizens, Robert Vogeler and Israel Jacobson, who were held incommunicado without access to United States consular officers.¹

Under article 23 of the peace treaty, Hungary undertook to pay the sum of 100 million dollars as reparations to Czechoslovakia and Yugoslavia. On February 27, 1949 (after the Moscow-inspired Cominform declaration of June 28, 1948,² against Yugoslavia), the Yugoslav Minister to Hungary delivered a note to the United States Legation at Budapest stating that the Hungarian Government had failed to abide by article 23 of the treaty and that, as a result of the ill will of the Hungarian Government, the enforcement of article 23 could not be carried out by direct negotiations between the two Governments. The Hungarian Government has, to this day, refused to comply with article 23 of the treaty, and the Soviet Government has refused to participate in a meeting of the three heads of mission at Budapest, provided for in article 40 of the treaty for the settlement of disputes which cannot be solved by direct negotiation.

Under article 28 [26] of the treaty, Hungary undertook to restore all legal rights and interests of the United Nations and their nationals as they existed on September 1, 1939, as well as to compensate such persons for property loss and war damage. The Hungarian Government has given no indication that she intends to compensate American citizens. On November 8, 1949, the United States Legation at Budapest transmitted to the Hungarian Minister for Foreign Affairs four new claims and additional evidence with regard to 116 previous claims.³ Although Hungary has acknowledged receipt of the note, she has taken no action to fulfill these claims.

BULGARIA

The U. S. S. R. has openly aided and abetted the Bulgarian Government in failing to fulfill completely or in totally ignoring treaty provisions limiting the armed forces. The Soviet Union accomplished this fact by supplying Bulgaria with arms, ammunition, and equipment in excess of those needed for the armed force stipulated by the peace treaty. In addition, the U. S. S. R., by negative and extremely dilatory acts, is tolerating Bulgarian failure to reduce these forces to the limits prescribed in article 10 [9]. The U. S. S. R., by negative and obstructionist tactics, aided and abetted the Bulgarian Government in the formation, maintenance, and training of paramilitary organizations, i. e., the militia and the use of this organization by the

pertaining to the Bulgarian armed forces or the right to information by investigation. The Soviet Government of the United States-United Kingdom invitation to name a Soviet representative to participate in a proposed survey of the Greek border.¹ It, thereby, encouraged the Bulgarian Government to reply² that, under the terms of the peace treaty, the matter referred to the United States, United Kingdom, and other diplomatic missions. (The Soviet Government had already agreed to participate in any such conventions under article 36 of the 1947 peace treaty to settle disputes concerning the interpretation or execution of the Bulgarian peace treaty.)

RUMANIA

As in Bulgaria, the Soviet Government has consistently refused to cooperate with American and British chiefs of mission to discuss the principles involved in the implementation of the military provisions of the peace treaty with Rumania. Both the Soviet and British Chiefs of mission agreed to a meeting on this matter, scheduled for May 18, 1948. However, the Soviet Ambassador cancelled the meeting, saying that he was "indisposed," and, on May 20, 1948, addressed a note³ to the American Minister stating that there was no necessity for the proposed meeting and no reason for putting the proposal into effect. Thus, the Rumanian Government has refused to violate the military provisions of the peace treaty.

VIOLATIONS OF AGREEMENT WITH IRAN

Soviet-Iranian relations are based formally on the treaty of friendship of February 26, 1921,⁴ which was reaffirmed in 1947. Article IV of this treaty states:

In consideration of the fact that each nation has the right to determine its political destiny, each of the two contracting parties formally desires to abstain from any intervention in the internal affairs of the other.

In 1942, the U. S. S. R., United Kingdom, and Iran signed a tripartite alliance⁵ in which the two large powers agreed to respect the territorial integrity, sovereignty, and independence of Iran. In the 1947 Tehran declaration,⁷ the U. S. S. R., United Kingdom, and United States expressed their desire for the maintenance of the independence, sovereignty, and territorial integrity of Iran. As a signer of the United Nations Charter, the U. S. S. R. is bound by article II (par. 4), which states:

All members shall refrain in their international relations from the use of force against the territorial integrity or political independence of any state.

The U.S.S.R., in her relations with Iran, has violated all of these solemn commitments.

The Soviet Government, in a note to the United States on November 29, 1945,¹ admitted that Soviet forces in Iran had prevented Iranian troops from taking action after the outbreak against the Iranian Government in northern Iran. This Soviet action at least indirectly aided the Azerbaijan separatists and, thus, constituted interference in the internal affairs of Iran, in violation of its 1921 pledge of friendship. Furthermore, violations of the tripartite treaty occurred both during and after World War II. By supporting the Azerbaijan separatists while occupying Iran and by its refusal to evacuate its troops except under United Nations pressures, the U. S. S. R. violated the Tehran declaration. The Iranian appeal to the Security Council in January 1946² and its notification to the Council on December 5, 1946,³ that the U. S. S. R. had warned Iran to refrain from moving troops into Azerbaijan were both based upon charges of Soviet interference in the internal affairs of Iran in violation of the United Nations Charter. Moreover, the Soviet radio has repeatedly attacked the Iranian Government on false grounds, has incited the Iranian people to violent action against the government, and has given support to the illegal Tudeh Party.

VIOLATION OF AGREEMENTS INVOLVING THE FAR EAST

KOREA

The Soviet Government openly violated the joint United States U. S. S. R. Moscow agreement for the reestablishment of Korean independence and the economic recovery of the country.⁴ The two powers were to consult in the preparation of proposals for the formation of a provisional Korean government. The U. S. S. R. representative on the Joint Control Commission consistently refused to allow such consultation except under unilateral interpretations of the phrase "democratic parties and social organizations" which, in each case, would have excluded all but pro-Soviet political groups. Moreover, the Soviet delegation refused to consult with Korean groups whose representatives had at any time expressed opposition to the provision for placing Korea under trusteeship, as envisaged in the Moscow agreement.

The Joint Commission agreed to reestablish the movement of persons, motor, rail transport, and coastwise shipping between the zones of north and south Korea. The Soviet Command in north Korea refused to discuss or implement this agreement and resisted efforts toward reestablishing the natural economic unity of the

established beyond that allowed the United States to outposts that were accessible only by roads through Soviet territory.

JAPAN

In the terms of the Potsdam Declaration,¹ defining the terms for the Japanese surrender, Japanese military forces, completely disarmed, were to be permitted to return to their homes "with [the] opportunity to lead peaceful [and] productive lives." On December 8, 1949, the U. S. S. R. signed the Geneva Convention, setting forth the rights and obligations of the Soviet Union regarding the holding of prisoners of war.²

TASS, the official Soviet news agency, on May 20, 1949, announced that there were 95,000 Japanese prisoners of war in Soviet territory still awaiting repatriation. According to Japanese figures, an additional 376,929 Japanese were then still under Soviet control. The discrepancy is explicable either by continued detention of prisoners or an abnormally high death rate. The U. S. S. R. has refused to give any information on the matter and has walked out of United Nations Council meetings in which the problem was broached.

3. DEFENDING THE PEACE FROM SOVIET THRUST by the Secretary of State, April 30, 1951 ³

The common interest around which your organization is organized is one which goes right to the heart of what we are trying to achieve for the world through our foreign policy.

Your organization is one of the major expressions of our great productive power, and, though there may be different opinions about many things, I think all of us will agree that our productive power of ours is one of the key factors, and probably the most important single factor, on which the peace of the world depends.

Although we are blessed with the greatest productive power in all the world, we dare not forget that there are other important concentrations of industrial production in the world. Fortunately, most of the other important concentrations are in the hands of nations who share our basic purposes. This means that a preponderance of industrial power is in the hands of nations who are trying to build, rather than destroy, international relationships based on the principles of the United Nations.

out items that contribute to the defensive strength of this and other free nations.

All of us wish that it were not necessary to do this. We would all much rather be turning out things that are creative and constructive things that make life better for people, rather than weapons of war.

And, we all wish that we could devote a larger portion of our energies to our great constructive programs to assist other free peoples to move toward better standards of living. This is the kind of thing which Americans traditionally prefer to do.

But instead, we are called upon to devote some 15 to 20 percent of our national output to the urgent necessities of military defense.

What I would like to discuss with you today is why this has become necessary and what it is this nation is seeking to do with this strength which you are helping to build.

MENACE OF SOVIET THRUSTS

In the 5½ years that have passed since the end of the war, the men who control the destinies of the Soviet Union have continued to press forward not only with the traditional territorial aspirations of Old Russia but also with the revolutionary aims for world rule of the Bolshevik conspiracy.

This is the threat which requires the rest of the world to build up its defensive strength.

By a combination of a ruthless control system over their own people and false promises to the discontented in many other lands, the men who run this vast conspiracy have been reaching out for more power. And, what is most important for us to understand is that they are reaching out for those critical centers of power which will give them leverage over all the rest.

The object of the Soviet reach for power in this period is to bring within the Soviet sphere of control two critical areas. One of these contains the great industrial capacity of Europe. The other is Asia with its resources, including the present and, more important, the potential industrial capacity of Japan.

With these areas under their control, the Soviet rulers believe that they could dominate the world. They would not only be in a strong position in the event of war but what also is just as important, they would be in a strong position to impose their will on the other parts of the world without having to fire a shot.

It is immediately clear that this would be a very dangerous condition for us and for all free people.

Now, even if we were to leave aside all the considerations of our

all that our defense program has to do, but it is, in broad terms, the major task now required of it.

Let us now take a closer look at what we are doing, with the aid of which you are helping to build, to meet these two major Soviet threats in Europe and in Asia.

MEETING THE THRUST IN EUROPE

One arm of our security effort is seeking to meet the Soviet threat against Europe.

I am not going to review with you here all the details of the work we are making under the North Atlantic Treaty Organization, the setting up of General Eisenhower's headquarters and staff, the operation of our military and economic aid program, and the results which show the growing cohesion and strength of the Western European nations. I know that these are familiar to you and that your attention has been following these programs closely.

What I do want to do is to step back and look at the situation in the large, to see this European effort in great block perspective, so that we can come away with a feeling for the whole pattern of what we are trying to do there.

In the large, the people of Europe, with our help, are seeking to harness their growing economic strength to the urgent need for an effective defense system, so that they and their resources, their skills and their industrial plants will not, either through direct attack or through subversion, fall into the hands of the Soviet rulers.

Germany, as I indicated a moment ago, occupies a place of special significance in this effort, because Soviet control over the Ruhr has put the Soviet rulers in a strong position to reach out for a direct thrust into Europe.

The Soviet rulers have long understood this simple strategy.

The whole point of the Soviet tactics in the talks among the Western European Foreign Ministers at Paris¹ has been to retard, and if possible to prevent, the strengthening of the Western European defense system. To do this, they have been trying to drive a wedge between the Western European nations by portraying themselves as the put-upon lovers of peace, and by characterizing our defense measures as aggressive. In this way they have been seeking to prevent the participation of Germany in the Western European defense system.

The increased shrillness of the Soviet representative in the recent talks, Mr. Gromyko, is in a sense the measure of the progress of our defensive effort.

If we weren't getting anywhere with the European defense system, the Soviet representatives wouldn't be making a great noise.

eliminate the weaknesses which invite aggression, the tensions and the dangers of the immediate period may increase.

Since the only alternative to this course would be to remain at a disadvantage and ultimately lose all, we have no choice but to plug ahead, building our combined strength as steadily and as rapidly as we can. That is the only way to work our way through this period of danger.

We have repeatedly said—and our record in these Paris discussions and on many previous occasions makes it clear that we mean what we say—that we are ready to negotiate in good faith now or at any time. But until we are met with equal good faith, and so long as this threat hangs over us, we cannot relax our efforts to build our common strength.

One advantage that the people of Europe start with in building this defensive strength is the remarkable rate of economic recovery they have achieved from the destruction of the war. Great credit is due the people of Europe for this achievement. It does not in any way diminish from the luster of their accomplishment for us to acknowledge the part our aid program has played in that recovery.

Our economic aid program, which was carried forward, appropriately under the name of the Marshall Plan, has been a tremendous success. Make no mistake about that. The evidence of Europe's mounting productive output is not only a testimony to our enlightened and unprecedented effort to assist the people of Europe in rebuilding their war-shattered economy but it is also, even from a narrow interpretation of our own self-interest, a good return on our investment in bolstering our national security.

The urgent problem that remains is to translate an adequate part of this economic potential into the tanks and the planes and the guns needed for defense.

A good start has been made in this direction. But the Soviet military preparations have been going on steadily since the war, and Soviet satellite forces are being built up rapidly, to add to the Soviet capability for intimidation and attack.

The best military minds of this country and of our European allies have been working to devise defense plans and create a defense program which will be adequate to the threat.

It is our goal to build a defense system which will inspire confidence among the people of Europe that they can prevent their homelands from being overrun. It is also our goal to attain a level of defense which will, together with our power, be sufficient to discourage the appetite for aggression altogether.

will a dollar buy? It is evident that the aid we are furnishing our allies so multiplies our common security that it is in fact an economy of use of resources.

Our aid is not only an addition to the billions of dollars in the military budgets of the European countries—but it is often a multiplying factor. To take one example, 55 thousand dollars worth of copper and zinc supplied by us made possible the manufacture of 10 million dollars worth of antitank mines in Britain.

Or, in another case, 300 thousand dollars worth of machinery made it possible for France to produce almost 14 million dollars worth of air frames.

Reduced to its simplest terms, our aid to Western Europe multiplies more security per dollar, faster, than we could possibly achieve for ourselves. And, it is security which is vital both to us and to our allies.

We are well aware that the rapid fulfillment of our common defense program is certain to affect the civilian life, not only of the United States but of all the people with whom we are allied.

Wherever careful planning and cooperation can moderate these burdens, we are endeavoring to bring this about.

This is all part of the complex but essential process by which our combined defense system is now taking shape.

Our progress up to this point has been sufficient, I believe, to give us our confidence that, with time and with effort, we can strengthen the strength of this European defense system sufficiently to parry the Soviet thrust in this direction from achieving its aim. That is necessary to peace and to our security.

THE PATTERN IN ASIA

Now, let us look at the other major Soviet thrust and at what we are doing about it.

The purpose of this thrust is to put the Soviet empire in a position to dominate all Asia, including control over Japan, with its large production and its larger potentialities, with its skilled labor force and its strategic position. By linking the production of the manpower of China and the resources of Asia, the Soviets would be in a strong position to redouble their pressure on the world.

To understand this purpose helps to make clear the meaning of the attack on Korea.

This attack, carried forward by satellite troops, was designed in the first instance to extend Communist control over the entire

How are we dealing with this Soviet strategy for Asia? Again here as in our discussion of the thrust against Europe, I will not go into great detail about the steps we are taking. These details are familiar to you, and what I want to try to bring out is the pattern of our efforts.

The objective of these efforts is to thwart the Soviet attempt to dominate Asia. It is our purpose to help the people of Asia protect their freedom and independence.

One of the major lines of effort in this program is the writing of a peace treaty for Japan.¹ The careful and able work of Ambassador John Foster Dulles has laid the basis for a Japanese peace treaty which will enable Japan to become an equal, peaceful, and self-sustaining member of the world community. It will also put the people of Japan in the best position to contribute to the independence of their country, which, as we have seen, is important to our security as well as to theirs.

The people of Japan have earned our confidence by their steady and responsible course during these difficult months since the attack was launched against Korea, and we look forward to the establishment of permanent bonds of friendship between Japan and all other free nations.

In order that a power vacuum will not be created by a peace settlement with Japan, we are making cooperative arrangements, on the basis of mutual agreement, to insure the independence and the continued security of Japan.²

This agreement is to be one of a series recently announced by the President,³ which are intended as initial steps toward building the basis for security in the Pacific.

Conditions in the Pacific area are substantially different from those which prevail in Europe, and the establishment of security arrangements similar to those in the North Atlantic area are not now feasible. We wish to help the peoples of the Pacific area in their efforts in any way we can, and the present and proposed security arrangements between ourselves and Japan and with the Philippines,⁴ Australia and New Zealand,⁵ to which the President referred, will, we hope, further strengthen the structure of peace in the Pacific.

Our economic and military aid programs are another essential part of this total effort to maintain peace in the Far East.

By demonstrating our friendship for the peoples of Asia and by helping them to achieve and protect their freedom and to make progress against the poverty and misery which oppresses them, we are, at the same time, helping to throw up a bulwark against the Soviet imperialist design, and we thereby strengthen our own security.

Our friendship for the people of China, who are now suffering the

complete until all the peoples who are now under the domination of the Kremlin are able to participate freely and independently.

The Soviets are constantly probing for points throughout the world which penetration may be possible. Efforts to penetrate by economic and political means of subversion have now been supplemented by the use of armed invasion and war.

Our military and economic aid programs have been expanded to meet the further threat posed by this Communist use of force.

Supplementing the important aid programs which we have been developing in the Far East, additional military aid has been directed to those areas especially threatened by this military development.

This includes additional aid to Formosa, the Philippines, and other areas. As the President declared following the Communist occupation of Formosa, the occupation of Formosa by Communist forces under such circumstances would be a direct threat to the security of the area and to United States forces in that area.¹ The Secretary of Defense was ordered then to prevent any attack on Formosa. To strengthen the defense of Formosa and insure that Formosa will not fall into hostile hands, we are providing increased military aid.

The aid programs in the Far East meet not only such security requirements as these but also give powerful support to our national security interest by helping the people of Asia lay the basis for stable and developing societies. It is important for us to appreciate that our humanitarian instincts and our own national interests are both served by these programs.

THE TEST OF STRENGTH IN KOREA

Now, we come to the most direct military aspect of our problem: how to deal with the Soviet thrust in Asia. This relates to what various other members of the United Nations are doing to stop the Soviet attack in Korea.

What I have already said should make it clear why it is so vital to our security that this attack in Korea be stopped immediately. We have seen that this attack is part of a design to gain control of all Asia. This attack is also intended to weaken the position of the United Nations, the United States, and others who stand in the way of Soviet ambitions.

There are several other points which have emerged from this conflict and which bear on this conflict in Korea. One is that this is not only a Soviet thrust we must bear in mind. The Soviets are using satellite troops for this aggression, keeping their own forces in reserve. It would further their strategy if we were to expend our major

Our objectives in Korea are very clear, and there should be no misunderstanding about them.

In the simplest terms, we are trying to accomplish three things in Korea:

1. We are trying to stop this act of aggression.
2. We are trying to keep this conflict from spreading, to the extent that it is in our power to do so.
3. We are trying to restore peace and security to the area.

These have been our purposes from the beginning, and these have been the agreed purposes of the United Nations. The United Nations has never contemplated the use of force to accomplish its political objective in Korea, which is the establishment of a unified, independent, and democratic country.

A great deal has already been accomplished by the steadiness with which we have held to these purposes, and above all by the heroic devotion of our men in Korea and their fellow soldiers from other countries. We should not, in the course of the present debate, lose sight of these accomplishments:

First, this act of aggression has not succeeded according to the Soviet plan, and whatever other actions were planned have been interfered with;

Second, the defense against this aggression has served to arouse free men all over the world and has stimulated them to speed up their efforts to build a strong defense system;

Third, new vitality has pulsed through the whole idea of collective security against aggression;

And fourth, this device of satellite aggression has been thoroughly exposed, and its usefulness in other situations has been reduced.

We knew last June, and we know today, that it was right and necessary to stand firm against this attack. If we had not, the whole spirit of resistance against the Soviet grab for power would have been weakened, perhaps fatally.

Now, people are saying: this may be true, but how can the conflict in Korea be brought to an end?

There are two ways in which this situation in Korea may develop. One is that the fighting may spread despite our efforts to limit it. Further acts of the aggressors could touch off world war. If this happens, the responsibility for it will rest squarely on the Kremlin and its agents in Peiping.

The other is that the fighting may be brought to an end in Korea. The best way to do this is for us to continue firm in our determination

The other day at Paris, Mr. Gromyko was playing off the arguments he has been overhearing from this side about Korea. He raised the question whether or not to hold to our course in Korea with firm determination.

Well, we are. But his intervention serves to remind us that in thinking about this action in Korea, we have to keep in mind the total world picture, and the whole threat we face.

The ingredients of peace in the world must include: the speed with which we hold to our course in Korea; the speed with which we build up our strength elsewhere in the world; the speed with which we make common defense arrangements with our allies.

As I said at the outset, the strength and the power to build are essential to our security and to world peace. But the most important is the strength of character and the strength of the American people.

To win through to a period of peace in the world will require the strength and courage and common sense from all of us.

4. AMERICAN FRIENDSHIP FOR THE SOVIET UNION Message From the President of the United States to the Presidium of the Supreme Soviet¹ Transmitted by the Supreme Soviet² Congressional Resolution, July 7, 1951²

I have the honor of transmitting to you a resolution of the Congress of the United States with a request that it be made known by your government to the people of the Soviet Union.

This resolution expresses the friendship and good wishes of the American people for all the peoples of the earth and it expresses the profound desire of the American Government to do everything in its power to bring about a just and lasting peace.

As Chief Executive of the United States, I give this resolution my sincere approval. I add to it a message of my own to the people in the earnest hope that these expressions may lead to a better understanding of the aims and purposes of the United States.

The unhappy results of the last few years demonstrate that diplomatic negotiations among nations will be largely ineffective so long as barriers exist to the friendly exchange of ideas and information among peoples. The best hope for a peaceful world lies in the friendship and peace and brotherhood which lies deep in the heart of every people. But peoples who are denied the normal means of

form the basis for trust and friendship. We shall never be able to remove suspicion and fear as potential causes of war until communication is permitted to flow, free and open, across international boundaries.

The peoples of both our countries know from personal experience the horror and misery of war. They abhor the thought of future conflict which they know would be waged by means of the most hideous weapons in the history of mankind. As leaders of their respective governments, it is our sacred duty to pursue every honorable means which will bring to fruition their common longing for peace. Peace is safest in the hands of the people and we can best achieve the goal by doing all we can to place it there.

I believe that if we can acquaint the Soviet people with the peace aims of the American people and government, there will be no war.

I feel sure that you will wish to have carried to the Soviet people the text of this resolution adopted by the American Congress.

(Enclosure)

**Senate Concurrent Resolution 11 (82d Congress, 1st session),
June 26, 1951¹**

Whereas the goal of the American people is now, and ever has been, a just and lasting peace; and

Whereas the deepest wish of our Nation is to join with all other nations in preserving the dignity of man, and in observing those moral principles which alone lend meaning to his existence; and

Whereas, in proof of this, the United States has offered to share all that is good in atomic energy asking in return only safeguards against the evil in the atom; and

Whereas the Congress reaffirms its policy as expressed in law "to continue to exert maximum efforts to obtain agreements to provide the United Nations with armed forces as contemplated in the Charter and agreements to achieve universal control of weapons of mass destruction and universal regulation and reduction of armaments, including armed forces, under adequate safeguards to protect complying nations against violation and evasion";² and

Whereas this Nation has likewise given of its substance and resources to help those peoples ravaged by war and poverty; and

Whereas terrible danger to all free peoples compels the United States to undertake a vast program of armaments expenditures; and

Whereas we rearm only with reluctance and would prefer to devote our energies to peaceful pursuits: Now, therefore, be it

abiding friendship of the American people for all other peoples, and declares—

That the American people deeply regret the artificial barriers which separate them from the peoples of the Union of Soviet Socialist Republics, and which keep the Soviet peoples from learning of the desire of the American people to live in friendship with all other peoples and to work with them in advancing the ideal of human brotherhood and

That the American people believe the Soviet Government could advance the cause of peace immeasurably by removing those artificial barriers, thus permitting the free exchange of information between our peoples; and

That the American people and their Government desire neither war with the Soviet Union nor the terrible consequences of such a war; and

That, although they are firmly determined to defend their freedom and security, the American people welcome all honorable efforts to resolve the differences standing between the United States Government and the Soviet Government and invite the peoples of the Soviet Union to cooperate in a spirit of friendship in this endeavor; and

That the Congress request the President of the United States to call upon the Government of the Union of Soviet Socialist Republics to acquaint the peoples of the Soviet Union with the contents of this resolution.

5. REPLY TO SOVIET CHARGES REGARDING THE MUTUAL SECURITY ACT OF 1951: Note From the American Embassy at Moscow to the Soviet Foreign Ministry, December 19, 1951¹

The United States Government categorically rejects the Soviet Government's allegations² that the Act³ constitutes interference in the internal affairs of the U. S. S. R. or a violation of the undertaking in the Roosevelt-Litvinov correspondence of November 16, 1933.

The Mutual Security Act, by its very title and by all its provisions is clearly designed to strengthen the defense of the Free World and, as regards Europe, to support European freedom through assistance

¹ Department of State *Bulletin*, Dec. 31, 1951, p. 1056.

² See Soviet note of Nov. 21, 1951 (*ibid.*, Dec. 3, 1951, pp. 910-911) and statement of the same date by the Department of State (*ibid.*, p. 910). For the development of this campaign by the Soviet Union against the Mutual Security Program, see also statements by U. S. Representatives to the U.N. General Assembly on Nov. 27, 1951 (*ibid.*, Dec. 24, 1951, pp. 1010-1011); Dec. 13, 1951 (*ibid.*, Jan. 7, 1952, pp. 22-23); Dec. 13, 1951 (*ibid.*, Jan. 7, 1952, pp. 22-23).

THE SOVIET UNION

to the defense of the NATO countries. The provision which the Soviet Government referred is intended to provide for victims of oppression, when such assistance has been to contribute to the defense of the North Atlantic area of this nature is in keeping with the traditional United States policy of helping victims of oppression, in this instance to help Europeans who have escaped or may escape to the United States. The United States Government denies the implication of the note that rendering assistance to refugees from oppression is to return them to the oppressor governments constituted by or interference in the internal affairs of those governments.

As has been repeatedly made clear previously, the North Atlantic Treaty Organization was, in conformity with the Charter of the United Nations, established for defensive purposes only and not for aggressive aims. The Organization would not have been formed if, since the end of World War II, the U. S. S. R. had not taken an aggressive and threatening attitude toward the individuals of the Free World, who have now joined in the North Atlantic Treaty Organization for their common defense. It is therefore not the purpose of any North Atlantic Treaty Organization assistance authorized by the Mutual Security Act is not, as alleged by the Soviet Government, designed for aggressive purposes against the U. S. S. R. or any other country.

The Soviet note under reference clearly represents an attempt to disrupt particular aspects of the defense of the North Atlantic Treaty Organization by falsely charging that the Organization has aggressive purposes that a specific facet of United States support of the Organization is for aggressive intent against the U. S. S. R.

The United States Government states in conclusion that the charges of interference in Soviet internal affairs come in ill-grace from a regime which has for many years consistently engaged in subversive activities directed against the United States and the nations of the Free World.

6. TRAVEL RESTRICTIONS ON SOVIET OFFICIALS VISITING THE UNITED STATES: Note From the Secretary of State to the Soviet Ambassador at Washington, ¹ March 10, 1952

The Secretary of State presents his compliments to the Ambassador of the Union of Soviet Socialist Republics and expresses his regret that the Ambassador is unable to visit the United States at this time.

the *note verbale* dated May 16, 1941,¹ addressed to the United States Embassy at Moscow by the Ministry of Foreign Affairs, the effect of which has been to restrict the travel in the Soviet Union of American diplomatic and consular officers, as well as of the other members of the staff of the American Embassy at Moscow.

In view of the restrictions which have been placed upon the travel of American diplomatic and consular representatives and employees in the Soviet Union, the Government of the United States is constrained to regulate the travel of Soviet personnel assigned to the Embassy in Washington, Soviet representatives of the official Soviet news agency, Tass, and Soviet representatives of other public media who are assigned for duty in Washington and Soviet official personnel assigned to Amtorg² in New York. Effective immediately Soviet official personnel of the Embassy in Washington, Tass representatives and others who are Soviet citizens assigned for newspaper work in Washington are required not to travel to any point more than 25 miles distant from the center of Washington without previous official notification at least 48 hours in advance. Soviet official personnel assigned to Amtorg shall not travel to any point more than 25 miles distant from the center of New York City without previous official notification at least 48 hours in advance.

In the case of Soviet civilian officials, the notification should be addressed to the Department of State; and in the case of Soviet military personnel to the appropriate Army, Navy or Air Force foreign liaison office. Notification should contain the name of each traveler, complete and detailed information concerning his projected travel including itinerary, points of stopover, and duration of journey.

The United States Government observes that by reason of the action of the Soviet Government in restricting the travel of United States official personnel in the USSR, it is compelled similarly to regulate Soviet official personnel. At the same time the United States Government states it is prepared to reexamine the question of travel regulations in the light of the treatment accorded United States official representatives in the Soviet Union.

7. RECALL OF THE AMERICAN AMBASSADOR: Note From the American Embassy at Moscow to the Soviet Foreign Ministry, October 8, 1952³

The receipt is acknowledged of the note of the Ministry of Foreign Affairs of October 3⁴ informing the United States Government that

representatives of the press¹ which the Soviet Government characterized as "slandorous attacks hostile to the Soviet Union in gross violation of generally recognized norms of international law."

Ambassador Kennan's statement accurately and in moderate language described the position of foreign diplomats accredited to the Soviet Government. It is this treatment of diplomatic representatives, systematically applied over a period of years by the Soviet Government, which grossly violates the traditions and customs of international intercourse developed over generations.

In the light of the above, the United States Government cannot accept the charges made by the Soviet Government as constituting valid reasons for acceding to the request for the recall of Ambassador Kennan.

8. SUBJUGATION OF FREE PEOPLES BY THE SOVIET UNION: Letter From the President to the President of the Senate and the Speaker of the House of Representatives Transmitting a Draft Resolution, February 20, 1953²

Dear Mr. President:

Mr. Speaker:

In my message to Congress of February 2, 1953,³ I stated that I would ask the Congress at a later date to join in an appropriate resolution, making clear that we would never acquiesce in the enslavement of any people in order to purchase fancied gain for ourselves and that we would not feel that any past agreements committed us to any such enslavement.

In pursuance of that portion of the message to Congress, I now have the honor to inform you that I am concurrently informing the President of the Senate (the Speaker of the House) that I invite the concurrence of the two branches of the Congress in a declaration, in which I would join as President which would:

(1) Refer to World War II international agreements or understandings concerning other peoples;

(2) Point out that the leaders of the Soviet Communist Party who now control Russia, in violation of the clear intent of these agreements or understandings, subjected whole nations concerned to the domination of a totalitarian imperialism;

(3) Point out that such forceful absorption of free peoples into an aggressive despotism increases the threat against the security of all remaining free peoples, including our own;

(5) Point out that it is appropriate that the Congress should join with the President to give expression to the desires and hopes of the American people;

(6) Conclude a declaration that the Senate and the House join with the President in declaring that the United States rejects any interpretations or applications of any international agreements or understandings, made during the course of World War II, which have been perverted to bring about the subjugation of free peoples and further join in proclaiming the hope that the peoples, who have been subjected to the captivity of Soviet despotism, shall again enjoy the right of self-determination within a framework which will sustain the peace that they shall again have the right to choose the form of government under which they will live, and that sovereign rights of self-government shall be restored to them all in accordance with the pledge of the Atlantic Charter.¹

I am enclosing a form of draft resolution, which, in my opinion, carries out the purposes outlined above, and in which I am prepared to concur.

(Enclosure)

Draft Resolution ²

Whereas, During World War II, representatives of the United States, during the course of secret conferences, entered into various international agreements or understandings concerning other peoples and

Whereas, The leaders of the Soviet Communist Party, who now control Russia, have, in violation of the clear intent of these agreements or understandings, subjected the peoples concerned including whole nations, to the domination of a totalitarian imperialism; and

Whereas, Such forcible absorption of free peoples into an aggressive despotism increases the threat against the security of all remaining free peoples including our own; and

Whereas, The people of the United States, true to their traditions and heritage of freedom, are never acquiescent in such enslavement of any peoples; and

Whereas, It is appropriate that the Congress join with the President in giving expression to the desires and hopes of the people of the United States: Therefore be it

Resolved, That the Senate and House concurring,

Join with the President in declaring that the United States rejects any interpretations or applications of any international agreements or

Join in proclaiming the hope that the peoples who have been subjected to the captivity of Soviet despotism shall again enjoy the right of self-determination within a framework which will sustain the peace that they shall again have the right to choose the form of government under which they will live; and that sovereign rights of self-government shall be restored to them all in accordance with the pledge of the Atlantic Charter.

9. DRAFT RESOLUTION ON THE SUBJUGATION OF FREE PEOPLES BY THE SOVIET UNION: Statement by the Secretary of State Before the House Foreign Affairs Committee, February 26, 1953 ¹

The resolution proposed to the Congress by the President ² has one crucial, compelling aim. That aim is to make totally clear the integrity of this Nation's purpose in relation to the millions of enslaved peoples in Europe and Asia. The resolution speaks to those who yearn for national and personal freedom and who fear that we may forget them. The resolution also speaks to the Soviet despots who have contrived this enslavement and who hope that we may come to accept it.

To those enduring enslavement, and to those inflicting it, we would make our position clear and firm. We, as a people, never have acquiesced and never will acquiesce in the enslavement of other peoples. Our Nation, from its beginning, was and is inspired by the spirit of liberty. We do not accept or tolerate captivity as an irrevocable fact which can be finalized by force or by the lapse of time. We do not accommodate ourselves to political settlements which are based upon contempt for the free will of peoples and which are imposed by the brutal occupation of alien armies or by revolutionary factions who serve alien masters.

The facts we must face can be simply summarized. Some dozen people in the Kremlin are seeking to consolidate their imperial rule over some 800 million people, representing what *were* nearly a score of independent nations. The methods of the despots can be judged by the fact that there are some 15 million in forced labor camps in Soviet Russia. Their number amounts to double the total membership of the Soviet Communist Party itself.

This tyranny has been extended far beyond the frontiers of Russia by the cold, calculated subjugation of free nation after free nation. The list is a tragic one: Latvia, Lithuania, Estonia, Poland, Czechoslovakia, East Germany, Hungary, Bulgaria, Rumania, Albania,

original puppet leaders within the satellite countries of Europe. In Asia, hundreds of thousands, if not millions, have been slaughtered in a publicized exhibition of terrorism.

We must face these facts. It is a *moral* obligation to do so—for all peoples have a right to know whether the United States acquiesces in this assault on freedom. It is a *practical* matter—for the ultimate fate of these peoples can gravely affect the future of freedom in Europe in Asia, and through all the world, including our own United States.

In the glaring light of these facts, the nature of this resolution defines itself. It is a straight-forward statement of American principle and American peaceful but firm purpose.

Some of you may think that American purpose is already clear, so clear that this resolution is superfluous. Let me assure you that that is *not* the fact. The captive peoples are oppressed by a great fear that at some future time the United States may agree to a partition of the world whereby we would accept and support Soviet dictatorship of alien peoples in the hope of gaining greater security for ourselves. This is not difficult to understand. Soviet propaganda vigorously spreads this fear and there are within the free world some who would countenance such a bargain. The resultant fear is not something to which we can be indifferent. It generates a sense of hopelessness and futility among the captives, which paralyzes the strivings which could operate peacefully to dissolve the unnatural unity of Soviet despotism and return it to its natural and historic parts.

So long as there is doubt as to the attitude of the United States, and I repeat that today there is such doubt, the captive peoples feel that they have no choice but to be passive victims allowing themselves to be made into tools of further aggression. If we want to maintain and stimulate the spirit of freedom which eventually will peacefully frustrate the oppressive design of Soviet despotism and disintegrate that overextended despotism, the first and indispensable step is to make clear, on the highest authority of the President and Congress, that:

One, the United States does not countenance the violations by which Soviet leadership has perverted past agreements and understanding into chains of bondage. That is a result which the American people never intended and which they will never accept.

Two, the United States will never be a party to any international "deal" or "trade" confirming the rule of Soviet despotism over the alien peoples it dominates in Europe and Asia.

Three, the United States seeks, as one of its peaceful goals, that these enslaved national groups of Europe and Asia shall recover genuine independence.

That is the purpose of the resolution now before you.

spirit of the early days of the Republic, to do what we peacefully can do, in order to revive the hopes of those now enslaved.

This resolution is no call to bloody and senseless revolution. On the other hand, it is no idle gesture. It is an act of great historical importance and many consequences will stem from it. As its purpose becomes more and more widely understood, it will, over the coming years, revive the inherent longing for freedom which persists within the captive peoples so that that longing becomes a mounting spiritual power which will eventually overcome the material power of Soviet dictatorship to rule what it has, or to subjugate more.

This resolution looks to the future, rather than to the past. The past is controversial. Should past administrations have made the agreements which they made? Were they foolishly beguiled by Soviet promises? Were they too much moved by considerations of short-term expediency, so that they sacrificed basic principles? Did they exceed their power in what they attempted; for these wartime agreements were never subjected to the constitutional processes of our Government? All of these questions have been, and long will be debated.

The resolution which President Eisenhower has proposed would avoid this realm of controversy. It validates nothing that is invalid. It gives up no rights, if we choose to assert them. It also leaves us free to pursue other courses and take other steps in the future, as circumstances may indicate their desirability.

What the President seeks is a solemn act of dedication for the future. It is an act which needs, and deserves, the support of both great parties. It will provide the indispensable foundation upon which future foreign policies can again build a structure of peace, justice and freedom. Therefore, I beg, let us not on this occasion divisively debate the past. Let us unitedly move on to mold the future.

10. CONDEMNATION OF SOVIET PERSECUTION OF RELIGIOUS AND ETHNIC MINORITIES: Senate Resolution 8 (83d Congress, 1st Session), February 27, 1953 ¹

Resolved, That it is the sense of the Senate of the United States that the vicious and inhuman campaigns conducted by the Soviet Government and its puppet governments in satellite states in Europe and Asia against minority groups such as the persecution of Greek Orthodox congregations, the imprisonment of Roman Catholic prelates, the harassment of Protestant denominations, the suppression

Resolved further, That the President of the United States be urged to take appropriate action to protest, par through the General Assembly of the United Nations, against the order that the United Nations shall take such action as they see them as may be suitable under its charter.¹

11. PRECONDITIONS FOR ACCOMMODATION WITH THE SOVIET UNION: Remarks by the Secretary of State at the Conference, April 3, 1953²

Nothing that has happened, or which seems to me likely to have changed the basic situation of danger in which we live, are three basic facts which, I think, we should always keep in mind as long as they are the facts.

The first is this: The Soviet Union is a heavily armed state, subject to the dictates of a small group, who controls the life of one-third of the people, and the natural resources of the world.

The second fact is that the leaders of the Soviet Union are deeply hostile to any other state which does not accept Communist control. That is part of their fanatically held belief.

The third fact is that the Soviet Communist leaders have no moral inhibitions against the use of violence. They do not admit the existence of such a thing as the moral obligation to avoid violence.

Now those facts combine to create a grave danger to the world. Nothing that has happened or seems likely to happen in the future ends that danger, or our need, or the need of the world generally, to take precautions against it. That, however, does not prevent accommodations from time to time which may be useful if, but only if, they do not blind us to the permanent danger.

At the moment I see nothing which ends that danger, nor justify us in changing any of our basic defensive policies, or in conjunction with our allies. Now, there are, however, possibilities of useful accommodation that could relate to the exchange of wounded and sick prisoners of war, if good faith is shown in relation to that, then the possibility of an armistice in Korea.

There is a question of an Austrian treaty which is a matter of accommodation.

There are a whole series of outstanding questions

persist, to which I referred, we must not, in my opinion, assume that the danger is over and that we are living in a peaceful world which requires neither armament nor our allies.

I see nothing which should delay or hamper the European Defense Community and the other basic policy measures that we are trying to take.

12. TRAVEL RESTRICTIONS ON SOVIET CITIZENS IN THE UNITED STATES: Note From the Secretary of State to the Soviet Ambassador at Washington, ¹ January 3, 1955 ²

The Secretary of State presents his compliments to His Excellency the Ambassador of the Union of Soviet Socialist Republics and has the honor to state that the following regulations have been instituted and will apply until further notice to travel in the United States by Soviet citizens in possession of valid passports issued by the Government of the Union of Soviet Socialist Republics other than Soviet citizen officers and employees of the Secretariat of the United Nations while their conduct is a responsibility of the Secretary General of the United Nations.

Travel will be permitted throughout the United States except in the border zones described in enclosure No. 1, the states and counties listed in enclosure No. 2, those cities which are listed in enclosure No. 3 as closed cities in otherwise open areas, or as otherwise indicated below. Enclosure No. 4 lists open cities in otherwise closed areas.

The prior notification of travel procedure set forth in the Department's note of March 10, 1952,³ is extended to include all resident Soviet citizens who are in possession of valid passports issued by the Government of the Union of Soviet Socialist Republics other than Soviet Officers and employees of the Secretariat of the United Nations while their conduct is a responsibility of the Secretary General of the United Nations. Soviet citizens who are temporarily admitted to the United States for some specific purpose which does not involve temporary residence in Washington, District of Columbia, or New York, New York, will not be subject to the prior notification of travel requirement. At the discretion of the Department, they may also be granted access to a closed city or area if their presence in such city or area is germane to the purpose of the visit for which admitted.

Notifications will be addressed to the Department of State, the Army, Navy or Air Force foreign liaison offices, or the United States Mission to the United Nations in New York, New York, as appropriate at least forty-eight hours in advance of anticipated travel.

the name of the traveler or travelers and detailed information concerning the projected travel including itinerary, mode of travel, points and duration of stopovers, and specific carriers if transiting closed areas. Other than for large cities names should be identified by county and state.

Transit travel by railroad or commercial airlines through closed areas will be permitted when such travel is necessary to reach closed areas or open cities in otherwise closed areas. Soviet citizens engaging in such transit travel are not to leave the immediate vicinity of any air or rail terminal located in a closed area or city except when necessary to effect air or rail connection for continuing travel. The transit of closed areas by automobile or bus will not be permitted except by specified routes without intermediate stops between Washington, D. C., and New York, New York; Washington, D. C., and Baltimore, Maryland; New York, New York and Oyster Bay, New York area; Washington, D. C., and the West Coast to the south and west. These routes are specified in enclosure. Applications for exceptional access to recreation and religious areas which fall in a closed area will be considered on the merits of each such application.

The foregoing regulations are comparable to those which the Soviet Union has imposed, presumably for reasons of security, on the movement of United States citizens in the Soviet Union.¹ If the Soviet Union should hereafter conclude that the international situation is such that security requirements enabled it to liberalize its policies restricting the travel of United States citizens in the Soviet Union, the Government would in turn be disposed to reconsider in the light of its own security requirements.

Enclosures:

1. Border Zones Closed to Travel by Soviet Citizens in Possession of Soviet Socialist Republics Passports.
2. States and Counties Closed to Travel by Soviet Citizens in Possession of Union of Soviet Socialist Republics Passports.
3. Cities in Otherwise Open Areas Which are Closed to Travel by Soviet Citizens in Possession of Union of Soviet Socialist Republics Passports.
4. Cities in Otherwise Closed Areas Which are Open to Travel by Soviet Citizens in Possession of Union of Soviet Socialist Republics Passports.
5. Specified Routes of Automotive Transit Through Areas Closed to Travel by Soviet Citizens in Possession of Union of Soviet Socialist Republics Passports.

BORDER ZONES CLOSED TO TRAVEL BY SOVIET CITIZENS IN POSSESSION OF U. S. S. R. PASSPORTS

1. U. S. A.-Canadian Border

In addition to the shores of the Great Lakes included within closed

- b. Lake Michigan: Michigan—Emmet.
- c. Lake Huron: Michigan—Cheboygan, Presque Isle, Alpena, Alcona, Iosco, Arenac.
- d. Lake Erie: Ohio—Lake, Ashtabula.

2. U. S. A.-Mexican Border

In addition to San Diego County, California, the Mexican border is closed by a band fifteen miles wide except for that portion of the border which falls in Webb County, Texas.

STATES AND COUNTIES CLOSED TO TRAVEL BY SOVIET CITIZENS IN POSSESSION OF U. S. S. R. PASSPORTS

- Alabama:* Colbert, Lauderdale, Limestone, Madison.
- Arizona:* Maricopa, Mohave, Yavapai.
- California:* Alameda, Contra Costa, Los Angeles, Marin, Monterey, Merced, Napa, Orange, Sacramento, San Benito, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Cruz, Santa Clara, Solano, Sonoma, Ventura, Yolo.
- Colorado:* Adams, Alamosa, Arapahoe, Archuleta, Boulder, Chaffee, Clear Creek, Conejos, Costilla, Custer, Delta, Denver, Douglas, Elbert, El Paso, Fremont, Gilpin, Gunnison, Hinsdale, Huerfano, Jefferson, Lake, Mesa, Mineral, Montrose, Ouray, Park, Pitkin, Pueblo, Rio Grande, Saguache, Teller.
- Connecticut.*
- Delaware.*
- Georgia:* Bryan, Bullock, Burke, Chatham, Effingham, Jenkins, Richmond, Screven.
- Idaho:* Benewah, Bingham, Bonneville, Butte, Clark, Custer, Fremont, Idaho, Jefferson, Latah, Lemhi, Lewis, Madison, Nez Perce, Teton, Valley.
- Illinois:* Adams, Alexander, Brown, Calhoun, Clinton, Cook, Du Page, Edgar, Edwards, Franklin, Gallatin, Greene, Grundy, Hamilton, Hancock, Hardin, Henderson, Iroquois, Jackson, Jefferson, Jersey, Johnson, Kane, Kankakee, Kendall, Lake, McHenry, Madison, Marion, Massac, Mercer, Monroe, Perry, Pike, Pope, Pulaski, Randolph, Rock Island, St. Clair, Saline, Union, Vermillion, Wabash, Washington, Wayne, White, Will, Williamson.
- Indiana:* Adams, Allen, Benton, Blackford, Boone, Carroll, Cass, Clay, Clinton, Dearborn, Decatur, De Kalb, Delaware, Elkhart, Fayette, Fountain, Franklin, Fulton, Gibson, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jasper, Jay, Johnson, Kosciusko, Lagrange, Lake, La Porte, Madison, Marion, Marshall, Miami, Montgomery, Morgan, Newton, Noble, Ohio, Owen, Parke, Porter, Posey, Pulaski, Putnam, Randolph, Rush, St. Joseph, Shelby, Starke, Steuben, Tippecanoe, Tipton, Union, Vanderburgh, Vermillion, Vigo, Wabash, Warren, Warrick, Wayne, Wells, White, Whitley.
- Iowa:* Des Moines, Henry, Lee, Louisa, Muscatine, Scott.
- Kansas:* Anderson, Atchison, Brown, Butler, Chase, Chautauqua, Coffey, Cowley, Dickinson, Doniphan, Douglas, Elk, Franklin, Geary, Greenwood, Harvey, Jackson, Jefferson, Johnson, Leavenworth, Linn, Lyon, McPherson, Marion, Marshall, Miami, Morris, Nemaha, Osage, Pottawatomie, Riley, Saline, Sedgwick, Shawnee, Sumner, Wabaunsee, Wyandotte.
- Kentucky:* Ballard, Boone, Caldwell, Campbell, Christian, Crittenden, Henderson, Hopkins, Kenton, Livingston, Logan, Lyon, McCracken, Muhlenberg, Todd, Trigg, Union, Webster.
- Louisiana:* Acadia, Ascension, Assumption, Caddo, Calcasieu, Cameron, D

Massachusetts.

Michigan: Bay, Genesee, Hillsdale, Huron, Ingham, Jackson, Lapeer, Lenawee, Livingston, Macomb, Midland, Monroe, Oakland, Saginaw, St. Clair, Sanilac, Shiawassee, Tuscola, Washtenaw, Wayne.

Missouri: Bollinger, Cape Girardeau, Clark, Jefferson, Lewis, Lincoln, Madison, Marion, Perry, Pike, Ralls, St. Charles, St. Francois, Ste. Genevieve, St. Louis, St. Louis City.

Montana: Beaverhead, Deer Lodge, Silver Bow.

Nebraska: Cass, Douglas, Gage, Johnson, Lancaster, Nemaha, Otoe, Pawnee, Richardson, Sarpy.

Nevada: Clark, Lincoln, Nye.

New Hampshire: Cheshire, Hillsboro, Rockingham, Strafford.

New Jersey: Atlantic, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hunterdon, Mercer, Middlesex,¹ Monmouth,¹ Morris,¹ Ocean, Passaic,¹ Salem, Somerset, Union, Warren.

New Mexico: Bernalillo, Los Alamos, Rio Arriba, Sandoval, Santa Fe, Taos, Torrance.

New York: Albany, Broome, Cayuga, Chautauqua, Chenango, Cortland, Delaware, Erie, Greene, Jefferson, Kings (Brooklyn), Madison, Monroe, Nassau, Niagara, Oneida, Onondaga, Orleans, Oswego, Otsego, Schenectady, Schoharie, Suffolk, Wayne.

North Dakota: Adams, Billings, Bottineau, Bowman, Burke, Burleigh, Divide, Dunn, Emmons, Golden Valley, Grant, Hettinger, Kidder, Logan, McHenry, McIntosh, McKenzie, McLean, Mercer, Morton, Mountrail, Oliver, Renville, Sheridan, Sioux, Slope, Stark, Ward, Williams.

Ohio: Allen, Ashland, Auglaize, Butler, Champaign, Clark, Crawford, Cuyahoga, Darke, Defiance, Delaware, Erie, Franklin, Fulton, Greene, Hamilton, Hancock, Hardin, Henry, Huron, Jackson, Logan, Lorain, Lucas, Madison, Marion, Medina, Mercer, Miami, Montgomery, Morrow, Ottawa, Paulding, Pickaway, Pike, Preble, Putnam, Richland, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Union, Van Wert, Wayne, Williams, Wood, Wyandot.

Oklahoma: Creek, Kay, Lincoln, Logan, Noble, Oklahoma, Osage, Pawnee, Payne, Tulsa, Washington.

Pennsylvania: Adams, Allegheny, Armstrong, Beaver, Bedford, Berks, Bucks, Butler, Carbon, Chester, Columbia, Cumberland, Dauphin, Delaware, Erie, Fayette, Franklin, Fulton, Greene, Huntingdon, Juniata, Lancaster, Lawrence, Lebanon, Lehigh, Luzerne, Mifflin, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Schuylkill, Somerset, Union, Washington, Westmoreland, York.

Rhode Island.

South Carolina: Aiken, Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg.

South Dakota: Armstrong, Aurora, Bennett, Bon Homme, Brule, Buffalo, Butte, Campbell, Charles Mix, Clay, Corson, Custer, Davison, Dewey, Douglas, Edmunds, Faulk, Gregory, Haakon, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Jones, Lawrence, Lincoln, Lyman, McCook, McPherson, Meade, Mellette, Minnehaha, Pennington, Perkins, Potter, Stanley, Sully, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, Ziebach.

Tennessee: Anderson, Bedford, Bledsoe, Blount, Bradley, Campbell, Cannon, Cheatham, Clay, Coffee, Cumberland, Davidson, De Kalb, Dickson, Fentress, Franklin, Giles, Grundy, Hamilton, Hickman, Houston, Humphreys, Jackson, Knox, Lake, Lawrence, Lewis, Lincoln, Loudon, McMinn, Macon, Marion, Marshall, Maury, Meigs, Monroe, Montgomery, Moore, Morgan, Overton, Perry,

Cherokee, Collingsworth, Colorado, Comal, Dallam, Dallas, Deaf Smith, Delta, De Witt, Donley, Ellis, Falls, Fayette, Fort Bend, Franklin, Freestone, Galveston, Goliad, Gonzales, Gray, Gregg, Grimes, Guadalupe, Hansford, Hardin, Harrison, Hartley, Hays, Hemphill, Henderson, Hill, Hopkins, Hutchinson, Jackson, Jefferson, Johnson, Karnes, Kaufman, Lamar, Lavaca, Lee, Leon, Liberty, Limestone, Lipscomb, Madison, Marion, Matagorda, Milam, Montgomery, Moore, Morris, Navarro, Ochiltree, Oldham, Orange, Panola, Parker, Potter, Rains, Randall, Red River, Refugio, Roberts, Robertson, Rockwall, Rusk, San Jacinto, Shelby, Sherman, Smith, Tarrant, Titus, Travis, Upshur, Van Zandt, Victoria, Walker, Waller, Washington, Wharton, Wheeler, Williamson, Wilson, Wood.

Virginia: Accomac, Albemarle, Alleghany, Augusta, Bath, Charles City, Clarke, Culpeper, Elizabeth City, Essex, Fauquier, Frederick, Gloucester, Green, Highland, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Madison, Matthews, Middlesex, Nansemond, Nelson, New Kent, Norfolk, Northampton, Northumberland, Orange, Page, Princess Anne, Prince William, Rappahannock, Richmond, Rockbridge, Rockingham, Shenandoah, Stafford, Surry, Warren, Warwick, Westmoreland, York.

Washington: Adams, Asotin, Benton, Clark, Columbia, Cowlitz, Douglas, Franklin, Garfield, Grant, King, Kittitas, Klickitat, Lewis, Lincoln, Pierce, Skamania, Snohomish, Spokane, Thurston, Walla Walla, Whitman, Yakima.

West Virginia: Brooke, Hancock, Marshall, Ohio.

Wisconsin: Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, Waukesha.

CITIES IN OTHERWISE OPEN AREAS WHICH ARE CLOSED TO TRAVEL BY SOVIET CITIZENS IN POSSESSION OF U.S.S.R. PASSPORTS

Ashland, Kentucky	Kansas City, Missouri
Atlanta, Georgia	Louisville, Kentucky
Birmingham, Alabama	Memphis, Tennessee
Charleston, West Virginia	Portland, Oregon
Gadsden, Alabama	St. Paul, Minnesota
Huntington, West Virginia	San Bernardino, California
Johnstown, Pennsylvania	Steubenville, Ohio
Kalamazoo, Michigan	Youngstown, Ohio

CITIES IN OTHERWISE CLOSED AREAS WHICH ARE OPEN TO TRAVEL BY SOVIET CITIZENS IN POSSESSION OF U.S.S.R. PASSPORTS

Atlantic City, New Jersey	Hammond, Indiana
Austin, Texas	Houston, Texas
Baltimore, Maryland	Kansas City, Kansas
Berkeley, California	Knoxville, Tennessee
Cambridge, Massachusetts	Lansing, Michigan
Camden, New Jersey	Lincoln, Nebraska
Canton, Ohio	Long Beach, California
Chattanooga, Tennessee	Los Angeles, California ¹
Chicago, Illinois	Lowell, Massachusetts
Cincinnati, Ohio	Lynn, Massachusetts
Cleveland, Ohio	Milwaukee, Wisconsin
Dearborn, Michigan	Nashville, Tennessee
Elizabeth, New Jersey	New Bedford, Massachusetts

Phoenix, Arizona
 Quincy, Massachusetts
 Reading, Pennsylvania
 Richmond, California
 Sacramento, California
 Saginaw, Michigan
 St. Louis, Missouri
 San Antonio, Texas
 San Francisco, California¹
 San Jose, California
 Savannah, Georgia¹
 Seattle, Washington¹

Shreveport, Louisiana
 Somerville, Massachusetts
 South Bend, Indiana
 Spokane, Washington
 Tacoma, Washington
 Trenton, New Jersey
 Tulsa, Oklahoma
 Utica, New York
 Washington, District of C
 Waterbury, Connecticut
 Wichita, Kansas
 Worcester, Massachusetts

**SPECIFIED ROUTES OF AUTOMOTIVE TRANSIT THROUGH AREAS CLOS
 BY SOVIET CITIZENS IN POSSESSION OF U.S.S.R. PASSPORTS**

1. From Washington, D. C., and return:
 - (a) To Baltimore via U. S. Route No. 1 or Washington-Baltimore
 - (b) To West Virginia via Virginia Route No. 7 and Route No. 9
 - (c) To Spotsylvania County, Virginia, via U. S. Route No. 1.
2. From Baltimore, Maryland, to New York, New York, and r
 Farnhurst, Delaware, via U. S. Route No. 40 and New Jersey Turn
3. From New York, New York, and return:
 - (a) To Baltimore, Maryland, and Washington, D. C. (see 1 a
 - (b) To Oyster Bay, New York area via New York Route 25 A.

**13. RESTRICTIONS ON PHOTOGRAPHY AND SI
 BY SOVIET CITIZENS IN THE UNITED STATES:
 the Secretary of State to the Soviet Ambassador at V
 January 19, 1955³**

The Secretary of State presents his compliments to His
 the Ambassador of the Union of Soviet Socialist Repub.
 the honor to state that the following regulations have bee
 and will apply until further notice to photography and s
 the United States by Soviet citizens in possession of val
 issued by the Government of the Union of Soviet Socialis
 other than Soviet citizen officers and employees of the S
 the United Nations while their conduct is a responsib
 Secretary General of the United Nations.

Soviet citizens in the United States are permitted to sk
 photographs of historical and architectural monuments; t
 of cultural, educational and medical institutions; theater
 city, State or national parks; stadiums; and also urban
 scenes in the background of which there are none of the o

institutions, Soviet citizens may, in individual cases, make sketches or take photographs provided that they have first obtained the permission of the administration of these institutions and organizations.

Citizens of the Union of Soviet Socialist Republics in the United States may not sketch or take photographs:

- a. Of military objects, installations, technology and armaments.
- b. Of fuel storage depots.
- c. Of seaports, hydroelectric, thermoelectric or nuclear power installations, bridges, railroad junctions, terminals, and tunnels.
- d. Of industrial establishments except those engaged solely in civilian production.
- e. Of scientific research institutions, offices and laboratories.
- f. Of radio, television, telephone and telegraph stations or facilities.
- g. From airplanes on flights over territory of the United States.

Citizens of the Union of Soviet Socialist Republics in the United States may not purchase or otherwise procure the following except where they appear in or are appendices to newspapers, periodicals, technical journals, atlases and books commercially available to the general public:

- a. Aerial photographs, mosaics and photomaps.
- b. Maps and charts of scale of or larger than 1:250,000.
- c. Navigational and hydrographic maps and charts.
- d. Panoramic photographs or detailed development plans of industrial cities.

The foregoing regulations are comparable to present Soviet regulations restricting photography and sketching by United States citizens in the Soviet Union which presumably have been instituted for reasons of security.¹ If the Soviet Union should hereafter conclude that the international situation were such that security requirements enabled it to liberalize its regulations restricting photography and sketching by United States citizens in the Soviet Union and to make available to them materials of the types noted above, this Government would in turn be disposed to reconsider its own security requirements in the same spirit.

the line of international communism to see the futility of attempting world conquest. Also we hope that there are policies designed better to satisfy the legitimate aspirations of subject peoples. The recent events in Europe to which I have just referred suggest that the time may be nearing when those who are seeking the conquest of freedom will in fact adopt more realistic policies.

I do not want to imply that I think we have achieved our purpose. There are still bad spots as well as good spots. Also, it is not that the international Communists consider that any new policies they now adopt are part of the classic design which Lenin outlined, that "we might have to go in zigzags, sometimes retracing our steps, sometimes giving up the course once selected and trying others,"¹ and which Stalin said involves "maneuvering tactics with a view to effecting a proper retreat when the enemy is too strong." Nevertheless, I do feel a certain sense of encouragement today the tactics of the international Communists suggest that they realize that the free world is in fact "strong" and that they have to give up some of the courses they once selected.

FOUR SOVIET REVERSALS

I have referred to the events of recent days. These events are marked by a striking reversal of many of the policies of the Soviet rulers. They reversed their position with reference to the Yalta State Treaty.³ The consequent withdrawal of Soviet troops from this advanced position in the heart of Europe will be the first time since Europe that the Red forces will have gone homeward since they took their forward positions 10 years ago.

Then there is the pilgrimage of the Soviet leaders to Yugoslavia. For 7 years, since the Yugoslav Government seceded from the Cominform bloc, it has been consistently reviled and threatened. Its leaders were excommunicated by the Soviet Communist Party as guilty of heresy. Now the heads of the Soviet state, who have never before in time of peace left their home country, go to Belgrade to pay homage to peace.⁴ Independence is rewarded, and heresy is condoned. It is bound to have a profound effect throughout the Soviet zone.

On the subject of disarmament, the Soviet Union has recently altered its position.⁵ Its present position contains much

¹ "Left-Wing Communism: An Infantile Disorder," in *The Strategy of World Communism* (H. Doc. No. 619, 80th Cong., 1st sess.), p. 5.

² "The reserves must be handled in such a way as to safeguard against retreat should the enemy be very powerful, should a withdrawal be should it be obviously undesirable to accept the enemy's offer of

not clear or not acceptable to the United States, but at least the Soviet Union now recognizes as valid certain basic propositions which up until now it has consistently rejected. For example, the Soviet Union now no longer insists that any reduction of land armament should be on a percentage basis which would perpetuate, and indeed accentuate, its present superiority in that particular field.

Finally, the Soviet leaders, after having said that consummation of the Paris accords would be a serious impediment to further talks, now seem ready for such talks¹—*Pravda's* complaint being that we do not seem to be willing to talk long enough.

No one can be confident as to the meaning of these four reversals which have been accumulated within the span of a few weeks. Certainly, one interpretation is that they hope by this show of sweet reasonableness to bring the free nations to a sense of security so that they will abandon measures which have so far enabled them to help each other preserve their freedom. There are, within the free nations some who are tempted by this prospect. For the most part, they look to the United States to see how we interpret the recent Soviet gestures. If we seem to regard them as demonstrating a basic change of Soviet attitude and as indicating that the danger is over, they will hastily follow in that way. In that event much of the solidarity and strength which has been built over past years would quickly disintegrate.

The United States eagerly welcomes, and will fully and in good faith explore, all new possibilities of insuring a just and durable peace. That is the goal to which our Nation is dedicated, and we shall not let pass any opportunities to advance toward it. We welcome recent Soviet deeds which suggest a greater degree of tolerance and a greater acceptance of freedom and independence. However, it would be a great mistake to judge that the danger was now past or to act in such a manner that others might think we judged it past. There could be no worse moment to depart from the policies which the program represents and which have brought us where we are.

We can hope that a new day is coming; but too often men have been lured to their doom by mistaking a false dawn for the real dawn. We must not make that mistake.

¹ See *supra*, pp. 1885–1886.

B. AIRPLANE INCIDENTS

April 8, 1950 Incident (Baltic Area)

15. NOTE FROM THE AMERICAN AMBASSADOR COW¹ TO THE SOVIET FOREIGN MINISTER,² 1950³

The Ambassador of the United States of America compliments to the Minister for Foreign Affairs of the Soviet Socialist Republics and, with reference to the Ministry of Foreign Affairs of April 11, 1950,⁴ has the honor to state that the only American military aircraft which was in the Baltic area on April 8, 1950, was a United States Navy airplane which disappeared on that date and no trace of it has since been found.

The United States Navy airplane carried ten persons, all of whom were wholly unarmed. It left Wiesbaden at 10:31 a. m. German time for a flight over the Baltic Sea and two and one-half hours later, as reported by radio crossing the coast line of the British Zone. Many. All American military aircraft operate under strict instructions to avoid flying over any foreign territory in the absence of permission for such a flight from the appropriate foreign government. The investigation conducted by the United States Government has convinced it that the United States Navy airplane in question complied strictly with these instructions and did not fly over German or Soviet-occupied territory or territorial waters adjacent to Germany.

In the Ministry's communication under reference the Soviet Government acknowledges that one of its fighter aircraft fired upon an American plane on April 8, 1950, at 5:30 p. m. Moscow time. In view of the fact that the only American military airplane in the air in the Baltic area on that date was the unarmed United States Navy airplane mentioned above and that this airplane disappeared no time after it crossed the coast line of Germany over German territory or territorial waters, it must be concluded that Soviet fighter aircraft fired upon an unarmed American plane over the Baltic sea, following which the American airplane was lost.

The Ambassador of the United States has been instructed to express in the most solemn manner against this violation of international law.

The United States Government further demands that the most strict and categorical instructions be issued to the Soviet Air Force that there be no repetition, under whatever pretext, of incidents of this kind which are so clearly calculated to magnify the difficulties of maintaining peaceful and correct international relationships.

The United States Government confidently expects that, when its investigation is completed, the Soviet Government will express its regret for the unlawful and provocative behavior of its aviators, will see to it that those responsible for this action are promptly and severely punished, and will, in accordance with established custom among peace-loving nations, pay appropriate indemnity for the unprovoked destruction of American lives and property.

16. NOTE FROM THE AMERICAN AMBASSADOR AT MOSCOW TO THE SOVIET FOREIGN MINISTER, MAY 5, 1950

The Ambassador of the United States of America presents his compliments to the Minister for Foreign Affairs of the Union of Soviet Socialist Republics and, with reference to the Ministry's note of April 21² regarding the lost American airplane has the honor to communicate the following:

The Government of the United States of America notes that the Government of the Union of Soviet Socialist Republics continues to refer to an American airplane of the B-29 type, which allegedly penetrated Soviet territory on April 8, despite the fact that it has been made clear that the only American military airplane in the Baltic area on April 8 was a United States Navy airplane of the Privateer type. The United States Government reiterates that this United States Navy airplane was unarmed and was at no time over Soviet or Soviet-occupied territory or territorial waters. It is thus apparent that the Soviet Government's account of this incident is not factual. The reply of the Government of the Union of Soviet Socialist Republics to the United States Government's communication of April 18 makes it obvious that the Government of the Union of Soviet Socialist Republics continues to base its position on the erroneous account which it put forward shortly after the incident occurred and that it has failed to carry out the careful investigation suggested by the Government of the United States which would enable it to correct these errors.

The United States Government categorically denies that the

practice impose on members of the family of nations. It is this disregard for law, custom, and the opinion of mankind that is a further obstacle to the establishment of harmonious relations between nations and cannot be reconciled with the Soviet Government's continued protestations of its devotion to the cause of peace.

It is clearly impossible to resolve this issue so long as the Soviet Government refuses to base its position upon the facts. The Government of the United States must, however, bear the responsibility for the action of its Air Force and for the manner with which it has dealt with this incident. The Government of the United States must warn the Government of the [Union of] Soviet Socialist Republics of the seriousness with which it regards the attitude of the Government of the Union of Soviet Socialist Republics in matters of this consequence.

October 7, 1952 Incident (Habomai Island)

17. APPLICATION BY THE UNITED STATES TO THE SUPREME NATIONAL COURT OF JUSTICE, MAY 26, 1954

SIR:

1. This is a written application, in accordance with the Rules and Rules of the Court, submitted by the Government of the United States of America instituting proceedings against the Government of the Union of Soviet Socialist Republics on account of certain acts committed by fighter aircraft of the Soviet Government on October 7, 1952, in the destruction of a United States Air Force B-29 aircraft and its crew over the Japanese Islands, on October 7, 1952.

The subject of the dispute and a succinct statement of the facts and grounds upon which the claim of the Government of the United States of America is based are adequately set forth in a communication to the Soviet Government on September 25, 1954.³ A copy of this communication is attached to this application as an annex.⁴ The Soviet Government's response to this communication is also attached.

¹ Department of State *Bulletin*, July 11, 1955, pp. 65-67. See also Department of State announcement of June 7, 1955 (*ibid.*, p. 65); U.S. note to the Soviet Government of October 27, 1952 (*ibid.*, Oct. 27, 1952, p. 650) and Dec. 16, 1952 (*ibid.*, Jan. 1, 1953, p. 650); U.S. note to the Soviet Government of October 12, 1952 (*ibid.*, Oct. 27, 1952, pp. 649-650); U.S. note to the Soviet Government of January 5, 1953, pp. 11-12). In a communication of October 12, 1952 to the Court, the Soviet Government refused to accept the Court's jurisdiction. On Mar. 15, 1956, the Court announced that the U.S. application was removed from its docket. See statement of Mar. 16, 1956, by the President of the Court (*ibid.*, Mar. 26, 1956, pp. 513-514).

² *A Decade of American Foreign Policy*, pp. 140-155.

³ Department of State *Bulletin*, Oct. 18, 1954, pp. 579-586.

⁴ Not reprinted here.

ment has asserted its contentions of fact and law with the United States Government's claim in other diplomatic correspondence on this subject, most recently in a note dated December 1954, a copy of which is also attached to this application.

2. The United States Government notes that the present concerns matters of the character specified in Article 38 of the Statute of the Court, including subdivisions (a) through (d). It will be seen from the annexes,² the legal dispute of the United States Government with the Soviet Government involves serious questions of international law. Among them are the validity of the Soviet Government's claim to sovereignty over the Habomai Islands off Hokkaido, Japan, and in that connection the interpretation of the Treaty of Peace with Japan signed at San Francisco on September 8, 1951.³ In addition there are involved the scope and application of international obligations relating to the overflight of and intercepting military aircraft, together with numerous instances which if resolved in favor of the United States Government would constitute breaches of international obligation by the Soviet Government; and the nature and extent of reparations to be made by the Soviet Government to the United States Government for such breaches.

The United States Government, in filing this application with the Court, submits to the Court's jurisdiction for the purposes of the dispute. The Soviet Government appears not to have filed any declaration with the Court thus far, although it was invited to do so by the United States Government in the note annexed hereto. The Soviet Government is, however, qualified to submit to the jurisdiction of the Court in this matter and may upon notification of this application to the Registrar, in accordance with the Rules of the Court, take the necessary steps to enable the Court's jurisdiction over both parties to the dispute to be confirmed.

The United States Government thus founds the jurisdiction of the Court on the foregoing considerations and on Article 38 of the Statute.

3. The claim of the Government of the United States is briefly that the Government of the Union of Soviet Socialist Republics on October 7, 1952 willfully and unlawfully caused Soviet aircraft to overfly the territory of Japan, to hover over United States Air Force B-29 aircraft lawfully flying over the Soviet Union, Soviet aircraft doing so unbeknown to the crew of the United States Air Force B-29, and without any provocation to attack the United States Air Force B-29, causing it to crash into the sea at a point between Yuri Island and Akiyuri Island in territory belonging to Japan; that the crew of eight, all members of the United States Air Force and nationals of the United States, have not returned; and that the Soviet Government has concealed

United States Government information as to the fate of the crew and has not made provision for the prompt return of any crew member whom it may still be holding or of whose whereabouts it is informed. The damages suffered by the United States Government and for which the Soviet Government is liable to it are specified in the annexed note. The United States Government claims that in the circumstances described in the annex the actions chargeable to the Soviet Government constituted serious violations of international obligation for which the United States Government has demanded and demands monetary and other reparation.

In diplomatic correspondence with reference to this matter, including the Soviet Government's note a copy of which is attached hereto as an annex, constituting negotiations which must now be determined to have been exhausted, the Soviet Government has asserted a version of the facts and of the law contrary to that asserted by the United States Government.

A dispute is therefore presented appropriate for hearing and decision by this Court in accordance with the Statute and Rules.

The United States Government, in further pleadings herein, will more fully set forth the issues of fact and the issues of law in this dispute. It will request that the Court find that the Soviet Government is liable to the United States Government for the damage caused; that the Court award damages in favor of the United States Government against the Soviet Government in the sum of \$1,620,295.01 with interest and such other reparation and redress as the Court may deem to be fit and proper; and that the Court make all other necessary orders and awards, including an award of costs, to effectuate its determinations.

4. The undersigned has been appointed by the Government of the United States of America as its agent for the purpose of this application and all proceedings thereon.

Very truly yours,

HERMAN PHLEGER
*The Legal Adviser
of the
Department of State*

THE REGISTRAR OF THE
INTERNATIONAL COURT OF JUSTICE,
The Hague, Netherlands.

March 15, 1953 Incident (Kamchatka Peninsula)**NOTE FROM THE AMERICAN EMBASSY AT MOSCOW TO THE SOVIET FOREIGN MINISTRY, MARCH 18, 1953¹**

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Union of Soviet Socialist Republics and has the honor to bring the following matter to the attention of the Ministry.

On March 15, 1953, a United States Air Force plane of the RB-50 type was attacked by Soviet fighter aircraft over the open seas at latitude 54:02 North and Longitude 161:04 East. After one of the RB-50 planes of the MIG type opened fire on the RB-50 the latter was forced to return the fire.

It is reported that no damage occurred to the American plane, and no damage was observed with regard to the Soviet plane.

The Embassy has been instructed to protest vigorously this action on the part of the Soviet aircraft. The United States Government wishes to be informed at an early date concerning the disciplinary action taken with regard to the Soviet personnel responsible and also concerning the measures adopted to prevent a recurrence of incidents of this kind.

July 29, 1953 Incident (Cape Povorotny)**NOTE FROM THE AMERICAN EMBASSY AT MOSCOW TO THE SOVIET FOREIGN MINISTRY, OCTOBER 9, 1954²**

The Government of the United States of America refers again to the destruction on July 29, 1953 by Soviet military aircraft of a United States Air Force B-50 type aircraft off Cape Povorotny in the international air space over the Sea of Japan. On January 26, 1954, during an intensive investigation and study of the incident, the United States Government delivered to the Government of the Union of Soviet Socialist Republics a note³ requesting certain detailed information with respect to the incident and with respect to the various statements made by the Soviet Government in prior notes of July 30,

ment having failed to reply to the United States Government of January 26, 1954, the United States Government, through the Embassy at Moscow, transmitted another note on May 1, 1954, to the Soviet Ministry of Foreign Affairs inquiring whether the Soviet Government might be expected to reply to the note of January 26, 1954. The Soviet Government has made no reply or acknowledgement to either note, although far more than sufficient time has elapsed to enable the Soviet Government to make a reply or to state its positions with respect to such reply. The United States Government must conclude, therefore, that the Soviet Government is in a position that it is not in a position to make a responsive or adequate reply to the United States Government's note of January 26, 1954.

This circumstance, the United States Government believes, reinforces and confirms the essential accuracy of the findings resulting from the United States Government's own investigation and study, as well as of the statements made in the various communications of the United States Government to the Soviet Government on this subject, particularly the United States Government's communication of August 4, 1953.²

The United States Government therefore takes this opportunity to place solemnly upon the record the facts relevant to the Soviet Government's liability and to prefer against the Soviet Government a formal international diplomatic claim for damages as set forth below.

I

The United States Government is prepared to prove its case in an appropriate forum, and it charges, the following:

1. Early in the morning of July 29, 1953 a four-engine B-50 of the United States Air Force, of the B-50 type, was duly authorized to depart from its base in Japan by United States Air Force authorization to perform a routine navigational mission in the air space over the international waters of the Sea of Japan, returning to base upon completion of the mission. The officers and crew were informed prior to departure that under no circumstances was the aircraft to fly closer to the Soviet-held land mass than twelve nautical miles.

Upon its departure the B-50 type aircraft had on board seventeen persons, all members of the United States Air Force, including nationals of the United States. They were, as the Soviet Government was informed in the United States Government's note of January 26, 1954, the following:

Stanley Keith O'Kelley—Captain—Serial No. AO 776

John Ernest Pasche—Captain—Serial No. AO 802026

Robert Elbon Stalnaker—1st Lieutenant—Serial No. AO 76133

John Cyrus Ward—Captain—Serial No. AO 865270

Francisco Joseph Tejeda—Major—Serial No. AO 726704

Frank Ernest Beyer—1st Lieutenant—Serial No. AO 209328

Francis Luther Brown—Master Sergeant—Serial No. AF 1
053497

Donald Wayne Gabree—S. Sergeant—Serial No. AF 19 33378

Roland Edgar Goulet—A/1C—Serial No. AF 12 323933

James Edwin Woods—A/2C—Serial No. AF 24413122

Charles Joseph Russall—A/2C—Serial No. AF 13 351658

Donald George Hill—S. Sergeant—Serial No. AF 19 353976

Earl Wilbur Radelin, Jr.—A/2C—Serial No. AF 14 370732

The B-50 aircraft proceeded on a course of approximately 31 degrees from the Japanese Island of Honshu. When it arrived in the air space over the international waters of the Sea of Japan at a point approximately 50 miles from the coastline, the aircraft turned to the right and proceeded on an easterly heading, flying at an altitude of approximately 20,000 feet, the crew carrying out the instructions given them as above stated.

The aircraft had reached a point in the air space over the international waters of the Sea of Japan approximately 40 miles south of Cape Povorotny, flying on a heading of approximately 95 degrees and at an altitude of 20,000 feet when suddenly, at approximately 6:15 in the morning local time and without any prior warning whatever, a Soviet MIG-15 type aircraft intercepted and fired upon the United States aircraft. One MIG-15 type aircraft commenced the interception and firing by coming up from below and to the left of the B-50 and shooting the No. 1 engine, rendering it inoperative. One or more additional MIG-15 type aircraft thereupon appeared behind the B-50, directed fire on the No. 4 engine and upon the right wing and other portions of the aircraft, and set the No. 4 engine on fire. When the Soviet MIG-15 aircraft appeared from behind, shooting at the B-50, one or more of the personnel on board the B-50 aircraft opened fire in self-defense against the oncoming attacking MIG-15 aircraft, but to no avail.

Immediately upon being hit, the B-50 aircraft dived sharply, losing altitude rapidly. The shots from the rear attack tore off the right wing and the tail section and caused the aircraft to disintegrate. The component parts of the B-50 then hit the water, at approximately the same position at which the interception and attack took place. The total time which elapsed between the commencement of the

chuted, into the Sea of Japan, all coming down at point area of the Sea of Japan approximately 40 miles south of rotny.

The United States Government finds, and charges, actions of the MIG-15 type aircraft above described were the deliberate and willful orders of competent Soviet authorities.

When the B-50 failed to return to its base at the time of its return, and could not be otherwise accounted for, the United States authorities commenced and conducted a wide and thorough search of the area by aircraft and by surface vessels of the United States Government and with the assistance of a surface vessel of the Australian Government in the area. The search aircraft of the United States off Cape Povorotny succeeded in the sighting of the international waters of several survivors and disclosed the actions of the aircraft in the same area of Soviet PT-type boats, trawlers and aircraft. One of the search aircraft dropped a lifeboat to a group of survivors. Only Captain John E. Roche, the co-pilot, was able to reach the lifeboat and get into it. Intermittent fog hampered the search and no other personnel could be rescued by the United States or Australian surface vessels. When the weather in the area cleared by dawn of July 30, 1953, no evidence of survivors, other than Captain Roche, could be seen in the international waters of the Sea of Japan by the air or surface rescue craft.

2. The United States Government finds, and charges, that as a consequence of the Soviet Government's actions above described, the following took place:

- a. The B-50 aircraft was totally destroyed.
- b. First Lieutenant James Gordon Keith, navigator sitting in the nose of the aircraft, was thrown from his position and was wounded, so that he was unable to bail out from the aircraft.
- c. Captain Stanley K. O'Kelley, the aircraft commander, who succeeded in bailing out from the aircraft to the water of Japan, was badly injured and shocked as a direct result of the shooting by the MIG-15 aircraft, and died as a result of his physical injuries and shock and of his exposure for approximately twenty hours in the Sea of Japan.
- d. Master Sergeant Francis Luther Brown, flight engineer, who succeeded in bailing out from the aircraft to the water of Japan, was badly injured and shocked as a direct result of the shooting by the MIG-15 aircraft, and died as a result of his physical injuries and of shock and of long exposure in the Sea of Japan.
- e. Captain John Ernst Roche, the co-pilot, was thrown

been accounted for. The United States Government finds, however, that all of them suffered bodily injury and shock as a direct result of the shooting by the MIG-15 aircraft. It finds further that a number of not all, of them successfully parachuted to the surface of the Sea of Japan in the area above described in which the attack and destruction of the B-50 took place. It must conclude that these persons were either picked up alive by surface vessels of the Soviet Government in the area in which they hit the water, or that in due course, dead or alive, they were carried by the prevailing currents to Soviet-held territory and into the Soviet Government's custody. Those dead of the United States Government finds and charges, were brought to their death by the injuries caused in the course of the attack on the B-50 aircraft, by shock and by exposure in the waters of the Sea of Japan. Those that were alive when they came into the custody of the Soviet Government, the United States Government finds and charges, suffered in addition injuries and anguish caused by their long detention by the Soviet Government, by the failure of the Soviet Government to inform the United States Government with respect to their whereabouts and their condition or to permit them to communicate with United States Government authorities.

These conclusions are based on the following considerations:

(i) As the United States Government has previously indicated, personnel on board search craft of the United States Government observed at least twelve Soviet PT-type boats, at least one armed trawler-type Soviet naval vessel, and Soviet aircraft, proceeding at high speed to and from the area of the scene of the incident. Other surface vessels of Soviet nationality were in the vicinity. These observations were made as late as 3 o'clock in the afternoon local time July 29, 1953. In view of the failure of the Soviet Government to make responsive reply to questions of the United States Government in its note of January 26, 1954 on this subject, the United States Government is confirmed in its conclusion, and it charges, that these Soviet craft picked up survivors and portions of the disabled B-50 aircraft.

(ii) The prevailing currents of the Sea of Japan at the position above mentioned and at the date of the incident, which are well known to the Soviet Government, move toward the coast, in a northerly and northwesterly direction at a rate of approximately 0.7 to 1.0 knots. Even if the Soviet Government did not have these crew members in custody, dead or alive, earlier, it must have become aware of their arrival in Soviet territorial waters or on Soviet soil by August

co-pilot; First Lieutenant Czyz, First Lieutenant Wiggin. Lieutenant Keith were efficient and experienced navigators.

II

The United States Government finds as a result of its investigation that in its notes above mentioned the Soviet Government knowingly made material misstatements of fact for the purpose of creating an untrue record and of misleading the United States Government. These misstatements of fact are most explicit in the Soviet Government's note of August 26, 1953 on the subject, which substantially reiterates the misstatements contained in the Soviet Government's earlier notes on the same subject:

1. The Soviet Government states that the B-50 aircraft at 6 a. m. local time "violated the state boundary of the USSR in the region of Cape Gamov, and continued the flight over the territory of the USSR at Askold Island not far from Vladivostok. But the Soviet Government has refused, although duly requested, to state where the boundary, which it claims, runs in this region. The United States Government must therefore conclude, as it has concluded, that the B-50 aircraft at no time crossed into territory of the Soviet Union in this area but, on the contrary, flew entirely in the air over the international waters of the Sea of Japan.

2. The Soviet Government states that two Soviet fighter aircraft approached the B-50 with the intention of showing the B-50 that it was within the boundaries of the Union of Soviet Socialist Republics and with the intention of suggesting that the B-50 was in the airspace of the Soviet Union. This statement must be characterized as false, as well as misleading, since the first intimation which the B-50 had of the approach of any aircraft was the firing of the No. 1 engine on the B-50 by fire directed from a Soviet MIG-15 type aircraft, which had appeared without warning whatever to the left and from below the B-50 aircraft. The fact and the shooting which immediately followed directed by the MIG-15 type aircraft coming up without warning from behind the B-50 aircraft conclusively demonstrates that it was the intention of the MIG-15 interceptors, and of the competent Soviet authorities who dispatched them and controlled their actions, to give the B-50 aircraft no warning whatever but, on the contrary, to bring about the B-50's destruction without any warning or opportunity for the crew to disengage or to defend themselves.

3. The Soviet Government's statement permits the conclusion that the interception of the B-50 by Soviet aircraft took place

above, the B-50 aircraft did not open fire until after two firing passes had been made by the Soviet intercepting aircraft. The first MIG-15 type aircraft, which as stated above without warning destroyed the No. 1 engine, flew away unscathed. When immediately thereafter one or more MIG-15 type aircraft appeared from behind, the MIG aircraft were firing and the gunners on board the B-50 were compelled in self-defense to open fire against the MIG aircraft so firing upon the B-50.

5. The Soviet Government states that the attack took place at 6:12 in the morning local time. The United States Government charges that this statement is untrue and is known by the Soviet Government to be untrue. The United States Government has found that the interception and attack took place not earlier than 6:15 in the morning local time, if not later. By this time the B-50 aircraft as the Soviet authorities well knew, had reached a point approximately forty miles off the Soviet land mass at its closest proximity.

6. The Soviet Government states that one of the Soviet aircraft was seriously damaged by fire from the B-50 in consequence of which the Soviet aircraft was compelled to fire upon the B-50. This statement is misleading as well as false. Even if, contrary to fact, the B-50 gunners had opened fire on the MIG aircraft appearing from the rear, the destruction of the No. 1 engine by the MIG aircraft which appeared first and the hostile attitude of the MIG aircraft appearing in the rear would have justified the B-50 gunners in opening fire on the MIG aircraft.

7. The Soviet Government states that after the Soviet aircraft fired on the B-50 the B-50 "departed in the direction of the sea" and that the Soviet authorities have no further information regarding the American military aircraft. This statement must be characterized as false as well as misleading. As stated above, within seconds after the Soviet aircraft hit the right wing and fuselage the B-50 disintegrated and fell into the sea. The pilots of the Soviet aircraft could not but have seen the consequence of their actions and reported it to the competent Soviet authorities. The United States Government notes that the Soviet Government admits that the pilots upon returning to base, if not earlier, reported what they had done and what had happened.

8. The Soviet Government indicates that it has "verified data" presumably including reports of ground observers as well as the testimony of the pilots of the Soviet aircraft involved, and that these data "refute the statement that the American airplane B-50 did not violate the boundary of the USSR and was attacked by Soviet fighters over the Sea of Japan". The Soviet Government, although

Soviet surface ships on July 29, 1953 in the area of the Sea of Japan in which the shooting incident took place, and it further in the weather conditions of fog and darkness were such that the statements of the crews of search craft reported in the United States Government's notes were not in fact made. These statements, as indicated, are false and misleading. The weather, during the day of daylight, was in fact foggy but at the low altitudes at which the search aircraft flew, and on the surface of the sea at which the search craft proceeded, there was as the Soviet Government would claim intermittent visibility permitting the observations which were made and which were reported by the United States Government.

10. The Soviet Government states that "as a result of investigation it has been confirmed that the Soviet authorities have no information concerning the crew of the American bomber B-50". For the reasons above stated this statement must be characterized as false and misleading.

III

The United States Government finds and it charges that the unauthorized actions of the pilots of the Soviet aircraft and of the Soviet authorities made the Soviet Government guilty of intentional and willful violations of international law, on account of which the Soviet Government become liable to the United States Government for damages and for other amends:

1. Since the Soviet Government has evaded the question of the United States Government's note of January 26, 1954 on the subject of the incident, the United States Government declares that the limit of the territorial waters of the Soviet Government in the area of the incident is not further than three nautical miles from the mean low water mark of the shore line of the Soviet-held land mass in this area, following the sinuosities of the coast and the sinuosities of each of the Soviet islands. While the United States Government in its instructions to its personnel has prohibited any overflying aircraft or seagoing vessels from coming closer than twelve miles to Soviet-held territory, and in crossing the international waters of the Sea of Japan or the Sea of Okhotsk, above, the United States Government takes this opportunity to inform the Soviet Government that it does not recognize the right of the Soviet Government to territorial waters in excess of three miles from its coast. In the opinion of the United States Government, there is no obligation under international law to recognize the right of territorial waters in excess of three miles from the coast.

2. In the circumstances of the case it was the duty of the United States Government to take all possible steps to prevent the

United States Government. The failure of the Soviet Government to do so constitutes violation of international obligations. It was the duty of the Soviet Government to make truthful statements to the United States Government in the notes above mentioned which the Soviet Government delivered to the United States Government in connection with this incident. The willful making of false or misleading statements in these circumstances constitutes a violation of international obligation.

The continued detention of survivors by the Soviet Government, the failure of the Soviet Government immediately upon receipt of information at any time from its own sources of the observation of any of any of the crew members, constitute violations on the part of the Soviet Government of international obligation.

Any shooting by the crew of the B-50 at the MIG aircraft, in the circumstances of the case, was lawful as an exercise of the right of self-defense. The B-50 having been fired upon and hit without prior warning, the crew of the B-50 were justified in the exercise of self-defense in shooting at the approaching MIG aircraft.

IV

The United States has suffered the following items of damage in the consequence of the foregoing illegal acts and violations of duty and international legal obligations, for which the Soviet Government is liable, and the United States Government demands that the Soviet Government pay the following sums on account thereof:

United States Air Force airplane B-50 type No. 47-145A and equipment thereon, amounting in total to \$1,468,908.56.

Damages to the United States by the willful and unlawful conduct of the Soviet Government \$491,584.38.

Damages to Captain John Ernst Roche, a national of the United States, for injuries to him, \$25,000.00.

Damages to the next-of-kin, nationals of the United States, for the deaths of Captain Stanley Keith O'Kelley, Master Sergeant Francis Luther Brown, First Lieutenant James Gordon Keith, \$10,000.00.

Damages to the next-of-kin, nationals of the United States, for the remaining thirteen crew members for all injuries resulting from the willful and unlawful conduct of the Soviet Government, including the wrongful deaths of such crew members or the wrongful detention by the Soviet Government of such members of the crew as survived, \$650,000.00.

takes this opportunity again to demand that the Soviet Government forthwith provide the information in this regard which the United States Government has already requested, and make arrangements for the prompt return of any crew members whom it may suspect or of whose whereabouts it is informed, and in the interim to care for such crew members with the maximum degree of care and to facilitate access to them by appropriate representatives of the United States Government. The United States Government declares that such demand for compensation with respect to the crew whose bodies came into the custody of the Soviet Government but who were no longer alive does not imply the acquiescence of the United States Government in the failure of the Soviet Government to inform the United States Government of such facts or to deliver to the United States Government such bodies to the United States Government. The United States Government further reserves the right to make additional demands upon the Soviet Government for amends or other action in reparation of its conduct on or since July 29, 1953, with respect to such living or such dead crew members.

Furthermore, the United States Government has no intention of making its demand for damages, specified above, any sum of money or items of intangible injury deliberately and intentionally inflicted upon the United States Government and to the American people by the wrongful actions of the Soviet Government. In this regard, the United States Government had determined to defer to a future date the formulation of the kind and measure of redress or other action which the Soviet Government should take which would be a recognition under international law and practice to confirm the illegality of the actions directed by the Soviet Government against the United States Government and against the American people.

The Government of the United States calls upon the Soviet Government and the Soviet Socialist Republics promptly to make its detailed response to the allegations and demands made in this communication.

Should the Soviet Government in its answer acknowledge its indebtedness to the United States on account of the damages suffered, it agrees to pay the damages suffered and to comply with the demands as above set forth, the United States Government is requested, to present detailed evidence in support of its claims for damages suffered and alleged. If, however, the Soviet Government contests liability, it is requested so to state in its answer. In the latter event, the Soviet Government is hereby notified that the United States Government deems an international dispute falling within the competence of the International Commission on the Status of the Sea and that the United States Government proposes that the

THE SOVIET UNION

to determine the issues of fact and law which have herein.

The Soviet Government is requested to inform the Government in its reply to the present note of its respect to such a declaration or Special Agreement.

September 4, 1954 Incident (Sea of Japan)

20. NOTE FROM THE AMERICAN EMBASSY AT THE SOVIET FOREIGN MINISTRY, SEPTEMBER 4, 1954

[First Note]

A U. S. Navy P2V aircraft was attacked without warning by two MIG-type aircraft with Soviet markings at 1818 September 4 (local time). This attack took place over the international waters approximately one hundred miles east of Vladivostok, approximately 100 miles from the Siberian coast.² Each Soviet aircraft fired a missile at the U. S. Navy aircraft and disappeared. The U. S. Navy aircraft was destroyed. To this hour, the wreckage have not been recovered.

The U. S. Government protests this wanton and unprovoked attack on a U. S. Navy aircraft engaged on a peaceful mission in the high seas. The U. S. Government requests that measures be taken to subject those responsible to immediate and appropriate punishment. The U. S. Government reserves all rights to seek compensation for loss of property and lives and for other circumstances resulting from this illegal attack by Soviet aircraft.

21. NOTE FROM THE AMERICAN EMBASSY AT THE SOVIET FOREIGN MINISTRY, SEPTEMBER 5, 1954

[Second Note]

The United States Government rejects as completely unfounded in fact the allegations contained in the Soviet Government's note number 240, dated September 5, 1954, that the U. S. Navy aircraft was shot down by Soviet aircraft on September 4, 1954.

seas some forty miles from the Siberian coast when it without warning and destroyed by two Soviet aircraft did the U. S. Navy aircraft open fire on the Soviet air

The United States Government declares once more the rights to present claims for damages and expects that be taken not only to subject those responsible to in appropriate punishment but also to prevent recurrer wanton and unprovoked attacks.²

June 23, 1955 Incident (St. Lawrence I

22. NOTE FROM THE UNITED STATES GOVERNMENT TO THE SOVIET GOVERNMENT, JULY 7, 1955

The United States Government acknowledges receipt of a memorandum of the Soviet Government transmitted by the Soviet Minister, Mr. Molotov, to the Secretary of State, Mr. Acheson, on June 25,⁴ regarding the shooting down of a United States aircraft by Soviet military jet-propelled aircraft on June 23, 1955.

The facts in possession of the United States Government accord with the statements set forth in the Soviet memorandum of acknowledgment. The United States plane, of the type known as a "P-51", was on a routine daylight shipping surveillance flight, of a regular character. Such flights have been made at regular intervals for some time past. The plane was on a regular route, which involved, at one point, flying over the waters in the channel between the United States (Alaska) and the Soviet Union.

Carefully verified information discloses: that the United States plane was at no time nearer the Soviet Union than the approach of the above-mentioned channel and was always well within international waters; that it did not at any time fire on the attacking aircraft; that no warning of any sort was given by the Soviet aircraft before they opened fire on the United States plane.

¹ Subsequent information obtained by the U.S. Navy disclosed that on the second pass by the MIGs, one of the gunners on the U.S. plane got off about 100 rounds of .50 cal. ammunition. [Footnote in original document.]

² Ambassador Lodge discussed the Sept. 4, 1954, incident and the June 23, 1955, incident with the U. N. Security Council on Sept. 10, 1954. (Department of State, Office of Public Affairs, News Release, Sept. 10, 1954.)

The United States Government notes the statement of the Soviet Government that due to weather conditions, the possibility of error on the part of the Soviet planes existed in regard to this incident. It is presumed that this possibility of error refers to the geographical position and not the identity of the United States aircraft since it was flying in a clear area above broken lower cloud strata at the time it was attacked.

Taking into account the regret expressed by the Soviet Government at its offer of compensation for damages to the plane and crew by the payment of 50 percent thereof; and, in particular, the statement in the Soviet memorandum that strict orders have been issued by the Soviet Government to its military authorities to refrain from any future action of this character, the Government of the United States is prepared, for the reasons herein mentioned, to regard the Soviet memorandum as providing an acceptable basis for the disposal of this particular incident; noting at the same time, however, that the United States plane acted throughout in a correct and blameless manner in pursuance of its peaceful mission and was in fact attacked over international waters.

In conclusion, the United States Government expresses the hope that the Soviet Government will indeed in the future take all necessary measures to avoid repetition of this and like incidents, a repetition which, if it occurred, would inevitably have a harmful effect upon the relations of our two nations, relations which the United States, for its part, desires to see improved.

C. ECONOMIC AND CULTURAL RELATIONS

23. IMPORTS FROM THE SOVIET UNION AND OTHER COMMUNIST COUNTRIES: Proclamation by the President, August 1, 1951 ¹

WHEREAS sections 5 and 11 of the Trade Agreements Extension Act of 1951 (Public Law 50, 82d Congress)² provide as follows:

"SEC. 5. As soon as practicable, the President shall take such action as is necessary to suspend, withdraw or prevent the application of any reduction in any rate of duty, or binding of any existing customs or excise treatment, or other concession contained in any trade agree-

"SEC. 11. The President shall, as soon as practicable, take such measures as may be necessary to prevent the importation of fox, kolinsky, marten, mink, muskrat, and weasel furs, dressed or undressed, which are the product of the United States, Socialist Republics or of Communist China."

WHEREAS an important element in determining when it is practicable to apply these provisions to particular articles is to do so consistently with the international obligations of the United States;

WHEREAS, in giving effect to the procedures available to the United States from international obligations existing with some of the nations and areas covered by the above provisions, it is not be practicable to apply such provisions to all such nations and areas at the same time;

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including the Trade Agreements Extension Act of 1951,

PART I

That the application of reduced rates of duty (including import tax) established pursuant to trade agreements hereafter entered into under the authority of section 302 of the Tariff Act of 1930, as originally enacted or as amended (ch. 474, 48 Stat. 943; ch. 22, 50 Stat. 24; ch. 96, 54 Stat. 236; ch. 57, 57 Stat. 125; ch. 269, 59 Stat. 410; ch. 678, 62 Stat. 1053; ch. 697, 64 Stat. 697; Public Law 50, 82d Congress), shall be suspended with respect to imports from such nations and areas referred to in section 5 as may be specified in any notification pursuant to this part of the proclamation given by the President to the Secretary of the Treasury and published in the *Federal Register*, which are entered, or removed from warehouse, for consumption on such date as may be specified for each such nation or area in the notification, or are so removed and withdrawn thereafter until such date as may be so specified in the notification and so published for the termination of such suspension. For the purposes of this part the term "imports from such nations and areas" shall mean articles imported directly or indirectly into the United States from nations or areas specified in an effective notification, but shall not in any case include articles the growth or manufacture of any other nation or area.

PART II

hereafter until such date as may be so specified in a later notification and so published for the termination of such prohibition.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 1st day of August in the year of our Lord nineteen hundred and fifty-one, and of the Independence of the United States of America the one hundred and seventy-sixth

24. SUSPENSION OF PUBLICATION OF AMERIKA AND THE U.S.S.R. INFORMATION BULLETIN: Note From the American Embassy at Moscow to the Soviet Foreign Ministry, July 14 1952¹

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Union of Soviet Socialist Republics and has the honor to state that it has been instructed to inform the Soviet Government that publication of the magazine "Amerika" is being suspended immediately.

Since the beginning of 1949 it has become increasingly apparent that the Soviet Government, through its agencies, has been engaged in progressive restriction of the full distribution and free sale of the magazine. As a result of this obstruction the number of copies which can be presumed to reach the Soviet public has become so small as not to justify a continuation of this effort of the Government of the United States to supply Soviet readers with a true picture of American life and thus to promote understanding between the two peoples.

In view of the evident unwillingness of the Soviet Government to reciprocate the privileges granted by the Government of the United States to Soviet publications, the Soviet Government is requested to suspend immediately the publication and distribution in the United States of the U.S.S.R. *Information Bulletin* and supplements thereto. The distribution in the United States by the Soviet Embassy in Washington of pamphlets published at the expense of the Soviet Government or its organs should also be suspended.

The Government of the United States will consider resumption of the publication of "Amerika" at such time as the Soviet Government is willing to grant the magazine the same freedom of publication, distribution and sales which has been accorded Soviet publications in the United States and to grant to representatives of the United States Government facilities which would make it possible for them to verify the extent of distribution actually made.

¹ Department of State *Bulletin*, July 28, 1952, p. 127. See also *ibid.*, pp. 127-132; *ibid.*, June 18, 1951, pp. 985-986; and *ibid.*, Aug. 18, 1952, pp. 263-264.

25. EAST-WEST TRADE CONTROLS: Statement by of Mutual Security,¹ March 3, 1953²

Communist-made weapons and munitions are now the Korean war to commit aggression against the United States to kill and wound men of the United Nations forces including the Republic of Korea, [the] United States, Belgium, Colombia, Ethiopia, Luxembourg, New Zealand, Australia, France, the Netherlands, [the] Philippines, Thailand, and the United Kingdom.

Communist-made weapons and munitions are being used in the Indochinese war against the Vietnamese and French forces. This is an illegal action seeking to overthrow the established Government of Vietnam.

Under these circumstances every possible effort should be made to prevent strategic supplies from reaching the Soviet bloc. This has been done by the free and sovereign nations, including the United States. Much more needs to be done. Much more will be done by President Eisenhower's new Administration.

Our increased efforts will include these measures:

(1) Special moves against what I call the "Triple C Men" who are the "Capitalist-Communist-Collaborators" who operate outside the law and, in a greedy drive for profits, carry on an illegal trade sending strategic materials into the Communist area.

(2) Peaceable but effective measures to stop the sly use of ships carrying strategic materials on a transshipment basis from the West to the Communist area. Special attention will be given to ships originally built and owned by the United States but transferred to foreign nationals or registered under foreign flags.

(3) Cooperation with the appropriate investigating committees of the Congress to develop the facts and devise any remedial action.

(4) Study and consultation with the Foreign Relations and Intelligence Committees of any further legislative measures to carry out more effectively the intent of the Battle Act.

(5) Appropriate participation in the negotiations conducted by the Department of State with other free nations for the control of strategic materials and of shipping.

(6) Coordination with the Departments of State, Defense, Commerce, and other Departments and Agencies to carry out a program of pertinent administrative action.

(7) Appointment of Gen. William J. Donovan as special representative in East-West trade control.

¹ Harold E. Stassen.

² Department of State *Bulletin*, Mar. 23, 1953, pp. 435-436.

³ Act of Oct. 26, 1951; *infra*, pp. 3101-3105.

26. ALLIED DISCUSSIONS REGARDING EAST-WEST TRADE

Statement by the Director of the Foreign Operations Administration,¹ March 31, 1954²

Our conferences in London with representatives of the government of the United Kingdom and France on the subject of East-West trade were successful and satisfactory. We reached an agreement. That in itself is important for in standing together there is great strength and essential security.

We agreed on the principles and on the procedure through which these principles would be applied in detail, in cooperation with other friendly countries, in the months ahead. Our agreement is in harmony with the Battle Act³ passed by the U.S. Congress and it is in accordance with the security policies of President Eisenhower's administration.

We do anticipate, compatible with security requirements, an expanded trade with the Soviet Union and with the Eastern European states in the export to them of peaceful goods in exchange for items and materials which the free world can use. The existing tight controls on trade with Communist China and North Korea will be maintained.

I will report the results of our conferences to President Eisenhower and to the Secretary of State.

A number of the technical staff including representatives of the Departments of State, Defense, Commerce, and the Foreign Operations Administration have remained in Europe to follow through the implementation of our agreement.

27. VISIT OF SOVIET STUDENT EDITORS: Statement by the Department of State, March 10, 1955⁴

The State Department on March 10 authorized the American Embassy at Moscow to issue visas to 11 editors of Soviet student and youth newspapers for a 3-week visit to the United States. The Soviet Ministry of Foreign Affairs has indicated that these student editors desire to visit the United States in order to acquaint themselves with American student life.

The Department has asked the Institute of International Education, an organization with wide experience in the field of international student exchange, to undertake to make the necessary arrangements for the reception and itinerary of the 11 Soviet student editors. The Institute of International Education has agreed to respond affirmatively.

28. DISCUSSIONS REGARDING EXCHANGE OF FILMS: Note From the Acting Secretary of State¹ to Ambassador at Washington,² March 17, 1955³

The Acting Secretary of State presents his compliments to the Excellency the Ambassador of the Union of Soviet Socialist Republics and has the honor to refer to discussions that have taken place concerning the possibility of arranging for exchanges of medical films between the Soviet Union and the United States. Such discussions were held by Professor B. V. Petrovsky, member of the Soviet Socialist Republics Academy of Medical Sciences, and Dr. Paul W. Schafer, Medical Corps, Walter Reed Hospital, Washington, District of Columbia, during the Second World Congress of Medical Sciences held in Washington, D. C., in September 1954, and subsequent discussions between officers of the Soviet Embassy and Major Schafer.

It is understood from the discussions referred to above that the Soviet Union desires to exchange medical films with the United States. On the basis of such an understanding the United States Government is prepared to participate in such an exchange with the Soviet Union.

As a first step in effecting such an exchange there is enclosed a list of films which can be made available to the Soviet Union for its future use. The Soviet Government is requested to indicate which films on the attached list it desires: following the receipt of such notification the requested films will be transmitted to the Soviet Government.

It is believed that the most feasible method of effecting such an exchange of films would be for the Soviet Government to indicate in the list of films which it desires from the United States the titles of the list of Soviet films which it is prepared to make available to the United States. The United States Government would then indicate which of the Soviet films it desires, and such films would subsequently be transmitted to the United States.

The proposal for an exchange of medical films is made by the United States Government on the understanding that the films made available by both Governments will be on a six-month loan basis and that the films made available by each of the Governments during the loan period will be comparable.

Enclosure :

List of United States Films.

List of United States Films

1. Combined Abdominal and Right Thoracic Approach to Carcinoma of the Mid Esophagus.

6. Cancer: Problem of Early Diagnosis (Series)
 7. Anemia
 8. Diseases of the Ear, Nose, and Throat
 9. Nephrosis in Children
 10. Surgical Repair of Direct Inguinal Hernia
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29. EXCHANGE OF AGRICULTURAL DELEGATIONS: Note From the American Embassy at Moscow to the Soviet Foreign Ministry May 17, 1955¹

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the U. S. S. R. and has the honor to refer to the Ministry's note of March 10, 1955 concerning the proposal by the *Des Moines Register* of Des Moines, Iowa, that an exchange of agricultural delegations be arranged between the Soviet Union and the United States.² Reference is also made to conversations in connection with such an exchange held between representatives of the Embassy and the Ministry of Foreign Affairs on May 4 and May 6, 1955.

As the Ministry was advised on May 4, the United States Government takes a favorable view of the proposed exchange of agricultural delegations between the Soviet Union and the United States. In view of the decision by the Soviet Government to designate an official delegation to participate in an exchange, the United States Government is prepared to grant official visas to the members of a Soviet delegation of approximately ten agricultural specialists upon notification by the Ministry of their names and official status.

The United States Government believes that the most advantageous time for the Soviet delegation to visit the United States from the standpoint of agricultural conditions would be during midsummer. It is, therefore, proposed that the Soviet delegation plan to be in the United States from approximately July 10 to August 10, 1955.

In view of the official status of the Soviet delegation, the United States Department of Agriculture will assist in making general arrangements for the tour of the Soviet group in the United States. It is contemplated that the central part of the tour would be concentrated in the State of Iowa, where Iowa State College, at the request of the United States Government, is willing to undertake to make appropriate arrangements for the reception and itinerary of the Soviet delegation. The University of Minnesota will also be included in the itinerary and other visits to areas and installations outside of Iowa of interest to the Soviet delegation from an agricultural standpoint.

The composition of the American farm delegation to visit the Soviet Union, which will have unofficial status, will be determined in consultation with the Department of Agriculture, Iowa State University and other nonofficial institutions and organizations concerned with agricultural matters. The United States Government is pleased to have an indication from the Soviet Government of the approximate size of the American delegation it would be prepared to receive and the most appropriate time for the American delegation to observe Soviet agricultural methods.

Although, as indicated above, the U. S. Department of Agriculture will have general advisory responsibility for arrangements for the tour of the official Soviet delegation, it is the desire of the U. S. Government that the members of the Soviet group have the possible opportunity to observe at first hand the functioning of Soviet farms and installations servicing agricultural needs. With this object in view, and keeping in mind the technical interest of the Soviet agricultural experts, a program will be developed for the members of the Soviet delegation which will permit the members of the delegation to familiarize themselves with U. S. farming methods in the total environment in which they operate. In the State of Iowa, which possesses a great diversity of agricultural conditions, the delegation will be shown the methods and procedures used in connection with the production of corn and raising of pigs and other livestock as well as the central role played in agricultural production by government owned and operated farms. In the U. S. the most efficient method of agricultural production has been developed on the basis of farmers operating on their own initiative, and utilizing as they see fit the various agricultural services provided by local, state, cooperative and Federal Government entities.

The U. S. Government welcomes the opportunity which is provided by the visit of the Soviet agricultural delegation to the Soviet experts these and other aspects of American agricultural practices.

30. EXCHANGE OF AGRICULTURAL DELEGATIONS: by the Departments of State and Agriculture, June 2,

The U.S. Departments of Agriculture and State on June 2 announced that 12 representatives of American agriculture will lead a delegation scheduled to visit the U.S.S.R. between July 1 and August 15.

Since the visit to the Soviet Union will be unofficial, no

in agricultural research and extension. It is understood that the party will include various rural areas of the Soviet Union and cultural research and educational institutions.

At present, several hundred persons have expressed interest in making a trip. The national farm organizations, Iowa State College, Ames, Iowa, and other land-grant colleges are being invited to make preliminary nominations. Final selections will be made by a non-party public group to be designated.

The visit to the U.S.S.R. is of a reciprocal nature. The Soviet Union is sending to the United States an agricultural delegation of similar size during the approximate period July 10 to August 10. A considerable amount of time will be spent in Iowa, in accordance with the expressed Soviet interest in corn-hog production.

PROPOSED RUSSIAN-LANGUAGE MAGAZINE: Note From the American Embassy at Moscow to the Soviet Foreign Ministry, September 9, 1955¹

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Union of Soviet Socialist Republics and has the honor to refer to the views expressed by the President of the United States in addressing the Heads of Government of the USSR, France and the United Kingdom at Geneva on July 22, on the topic of normalizing and increasing East-West contacts.² President Eisenhower said in part:

To help achieve the goal of peace based on justice and right and mutual understanding, there are certain concrete steps that could be taken: (1) to lower the barriers which now impede the interchange of information and ideas between the two sides . . .

The Government of the United States believes that publication, in the USSR, of a Russian language magazine for distribution within the Soviet Union, would constitute a concrete step furthering a fuller interchange of information and ideas.

Accordingly, the Government of the United States proposes the distribution within the USSR of an illustrated Russian language magazine, issued monthly, which would be cultural and nonpolitical in character, devoted to an objective presentation of various aspects of American life. The Government of the United States further proposes that distribution of this magazine be effected as follows: 100,000 copies of each issue to be distributed through Soviet distribu-

In view of the cultural and non-political character of the proposal proposed by the United States, it is assumed that the Soviet Government would not request pre-publication review or any other form of censorship, such as that previously imposed on foreign publications as a war-time emergency measure.

The Embassy awaits the favorable reply of the Ministry of Foreign Affairs to this proposal and is prepared to discuss the details of its implementation with the appropriate Soviet authorities at an early date.

32. EAST-WEST TRADE: Statement by the Secretary of State November 3, 1955 (Summary) ¹

Secretary of Commerce Sinclair Weeks announced on November 3, 1955, a plan to ease controls on private commercial trade in peaceable goods with the European Soviet bloc. In making the announcement, Secretary Weeks said:

This plan is designed to carry out further the objective urged by President Eisenhower at Geneva in July "to create conditions which will encourage to increase the exchange of peaceful goods throughout the world." At the Foreign Ministers Conference in Geneva on October 31, Secretary of State Foster Dulles indicated the intention of the U.S. Government to study and control procedures on shipments of peaceful goods to the Soviet bloc.

Secretary Weeks said that the Bureau of Foreign Commerce is now setting up an initial roster of certain peaceful goods which will be exportable to the European Soviet bloc under general licenses without prior application to the Bureau. Establishment of this roster thus will relieve U.S. exporters of the burden of applying for individual licenses for commodities included on the roster.

Strategic goods, which under present policy are not licit for export to the Soviet bloc, will be excluded from the new roster. Other goods will be included, such as are now being approved for export to the Soviet bloc under individual licenses. Examples of goods recently licensed for shipment to the bloc include tallow, hides, skins, wool rags, cigarettes and tobacco, phosphate rock, and rosin.

Secretary Weeks indicated that the new arrangements are expected to be in effect by the end of the year.

The new procedure will not affect U.S. export controls on goods to Communist China and other Far East Communist points.

¹ Department of State *Bulletin*, Nov. 14, 1955, p. 784.

² Statement of July 22, 1955; *infra*, doc. 39.

³ *Infra*, doc. 44.

D. ENTRY AND RESIDENCE PRIVILEGES OF AMERICAN AND SOVIET CLERGYMEN

33. STATEMENT BY THE DEPARTMENT MARCH 2, 1955 ¹

The American Embassy at Moscow has been advised by the Soviet Ministry of Foreign Affairs that the Soviet Government has expelled the Rev. Georges Bissonnette, an American Roman Catholic priest resident in Moscow. Father Bissonnette has been told by the Soviet authorities that he must depart from the Soviet Union immediately. No reason for Father Bissonnette's expulsion has been given. It is not known by the Soviet Government to Father Bissonnette's American Embassy.

The U.S. Ambassador to the Soviet Union on March 1, 1955, protested vigorously to the Soviet Ministry of Foreign Affairs that the expulsion of Father Bissonnette was a violation of those provisions of the Litvinov Agreement² (the exchange of notes of November 1942 between President Roosevelt and Maxim Litvinov, then Soviet Commissar for Foreign Affairs of the Soviet Union, which confirmed the relations were established between the United States and the Soviet Union) pertaining to freedom of conscience and religious freedom for nationals of the United States on the territory of the Soviet Union. The Soviet Government, however, thus far has refused to change its position regarding Father Bissonnette's ouster.

Pertinent portions of the Litvinov Agreement are as follows:

Father Bissonnette, who was born on July 22, 1892, in Falls, R. I., has been in Moscow since January 25, 1955, under the auspices of the Order of Assumptionists, a Roman Catholic religious organization with headquarters at Worcester, Massachusetts. Bissonnette has no official connection with the American Catholic Church but has served at Moscow under the provisions of the Litvinov Agreement to administer to the spiritual needs of American Catholics in that city.

The Department has been informed by the Order of Assumptionists that plans had already been made, before the recent expulsion, against Father Bissonnette, to send Father Louis F. ... this spring as a replacement for Father Bissonnette. The Order of Assumptionists intends to make application in the near future to the Soviet Embassy for a Soviet entry visa for Father ... he may proceed to Moscow to continue the work of the Order.

to cases of temporary visits to the United States and the Socialist Republics by ecclesiastical figures of the respective countries which have occurred from time to time in the past.

34. NOTE FROM THE AMERICAN EMBASSY TO THE SOVIET FOREIGN MINISTRY, JUNE 1955

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Union of Soviet Socialist Republics and has the honor to refer to the Ministry's Note No. 20/OSA of March 8, 1955² in connection with the case of the Soviet Union of Father Bissonnette, an American citizen residing in Moscow under the terms of the exchange of notes of 1933 between President Roosevelt and Mr. Litvinov regarding freedom of religion for American nationals residing in the Union of Soviet Socialist Republics. The Ministry's note under reference, which makes reference to the action taken against Father Bissonnette was in retaliation for the refusal of the United States Government to extend the same to Archbishop Boris of the Russian Orthodox Church, concerning the agreement of November 16, 1933 both countries both agreed to "extend on the territory of their countries to citizens of the other party the right to satisfaction of their spiritual needs by providing pastors, rabbis, or other ecclesiastical functionaries within the territory of the other party".

It will be recalled that the exchange of notes in 1933 was effected by a note from President Roosevelt, the final paragraph of which reads as follows:

We will expect that religious groups or congregations composed of citizens of the United States of America in the territory of the Union of Soviet Socialist Republics will be given the right to have their spiritual needs satisfied by clergymen, priests, rabbis or other ecclesiastical functionaries of the United States of America, and that such clergymen, priests or other ecclesiastical functionaries will be protected from all disabilities and will not be denied entry into the territory of the Soviet Union and their ecclesiastical status.³

This is the only paragraph of the note which deals with the question of the right of clergymen to enter the Soviet Union to satisfy the religious needs of American nationals. The final paragraph of the Soviet reply of the same date reads as follows:

Finally, I have the honor to inform you that the Government of the Union of Soviet Socialist Republics, while reserving to itself the right of entry of Americans desiring to enter the Union of Soviet Socialist Republics

apparent that, when considered together, these two notes can mean that American clergymen will be permitted to enter the Union to minister to the needs of American nationals resident although it is recognized that the Soviet Government reserved the right to refuse a visa on "personal grounds". The meaning of the reservation would appear to be that a visa would be refused if an individual applicant were objectionable on some ground other than being a clergyman.

The reservation made by the Soviet Union is not applicable in the present instance, since Father Bissonnette was not expelled because of objection to him personally but simply in retaliation for action taken by the United States Government in connection with Archbishop Boris.

There is no condition of reciprocity contained in the Soviet note of November 16, 1933, and the proposal in the United States note of the same date was confined to rights for American clergymen. That no reciprocity was provided for in these particular notes appears to have resulted from the fact that the Soviet Government gave no indication at the time of being concerned with the problem of sending Soviet clergymen abroad. Furthermore, the fact that the notes contained no provision for reciprocity cannot be regarded as accidental, since the exchange of notes between President Roosevelt and Mr. Litvinov on the same date relating to noninterference in political affairs contains a provision for reciprocal adherence to the engagements undertaken.

Therefore the view of the United States Government that there is no basis for the claim of the Soviet Government that the United States is bound by the terms of the November 16, 1933 agreement to permit American clergymen from the Soviet Union to minister to the religious needs of Soviet nationals in the United States.

On the other hand, the United States Government regards the action of the Soviet Government in expelling Father Bissonnette as a violation of the terms of the 1933 agreement. This violation is made more clear in that the expulsion of Father Bissonnette from the Soviet Union was undertaken, not because of objection to Father Bissonnette on personal grounds, but solely in retaliation for the action of the United States Government to permit the extension of a visa to the United States of the Soviet Archbishop Boris, whose position in the United States was not comparable to that of Father Bissonnette in the Soviet Union. Archbishop Boris was admitted into the United States on a temporary visa to deal with matters pertaining to the reorganization of the Russian Orthodox Church in the United States.

spiritual needs of Americans in Moscow and had no Soviet citizens of the Roman Catholic faith. Due to the Soviet Government, Father Bissonnette was unable to work in the Roman Catholic church in Moscow and was forced to live in a small apartment for this purpose.

The United States Government considers as irrelevant to the matter at issue the question raised in the Ministry's note of June 1955 with respect to the practice of the Moscow Patriarchate in designating heads of the Russian Orthodox Church in the United States. It may be noted, however, that no interference by the United States Government has ever been interposed to the appointment of the Moscow Patriarchate of officials of that segment of the Russian Orthodox Church in America which recognizes the right of the Moscow Patriarchate to make appointments of this kind. Where the appointees are not United States citizens, the conditions of their entry into the United States are necessarily determined in the context of the United States immigration laws and regulations. As is the case with the action of the United States Government in permitting the entry of the United States of Soviet clergymen, including most recently Archbishop Germogen and Archbishop Boris, the United States Government has not objected in principle to the temporary entry of United States of Soviet ecclesiastics for the purpose of conducting legitimate church affairs.

In reiterating its protest against the expulsion of Father Bissonnette the United States Government requests that favorable consideration be taken with regard to issuance of a Soviet entry visa for Louis Dion, who has been designated by the Assumption of the Virgin to succeed Father Bissonnette and who made application for a Soviet visa at the Soviet Embassy in Washington, D. C. on May 10, 1955.

If the Soviet Government now considers it desirable to permit Soviet clergymen be admitted to the United States in order to meet the religious needs of Soviet nationals, the United States Government is prepared in the interest of reciprocity to extend to a Soviet citizen the same possibilities of entry and religious activity as are accorded to American clergymen in the Soviet Union under the terms of the November 16, 1933 agreement.

35. STATEMENT BY THE DEPARTMENT OF STATE NOVEMBER 15, 1955 ¹

The Department of State on June 28, 1955, released the following statement:

issued to Soviet Archbishop Boris constituted a violation of the terms of the November 16, 1933, Roosevelt-Litvinov agreement, which established diplomatic relations between the two countries and which provides for the presence of American clergymen in the Soviet Union to minister to the spiritual needs of American nationals. Nevertheless, the United States Government in this note stated:

If the Soviet Government now considers it desirable that Soviet clergymen be admitted to the United States in order to minister to the religious needs of Soviet nationals, the United States Government is prepared in the interest of reciprocity to extend to a Soviet clergyman the same possibilities of entry and religious activity as those accorded to American clergymen in the Soviet Union under the terms of the November 16, 1933 agreement.

The Embassy's note of June 27, 1955, pointed out the sharp contrast between the functions of an American priest ministering to American Catholics in the U. S. S. R. and the functions of a Soviet archbishop heading an American church organization in the United States, and requested that Father Bissonnette's appointed successor, Father Louis Dion, be granted the Soviet visa for which he had applied on March 23, 1955.

No direct reply was made by the Soviet Government to our note of June 27, 1955, and its voluntary offer of reciprocity permitting a Soviet clergyman to attend to the religious needs of Soviet nationals in the United States. On September 8, 1955, the Soviet Ministry of Foreign Affairs requested our Embassy to issue unlimited visas to Archbishop Boris and his secretary, and Father Dion was advised by the Soviet Embassy in Washington that it was prepared to issue him a Soviet visa. A request by our Embassy on September 14, 1955, to be informed if by its action of September 8 the Soviet Government was accepting the basis set forth in our June 27 note relative to the permissible activity of a Soviet clergyman in the United States elicited no Soviet response.

In the absence of such response and following Father Dion's acceptance of a Soviet visa, the American Embassy in Moscow was instructed to issue U. S. visas to the Archbishop and his secretary emphasizing at that time that these visas were being issued on the understanding that the Archbishop's functions in the United States would not exceed those permitted Father Dion in Moscow. This action was undertaken November 4, 1955.¹

From the text of a Soviet response of November 10, 1955,² it is apparent that the Soviet Government continues to insist that the admission of Father Dion to tend the spiritual needs of a few American Catholics in Moscow requires the admission of Archbishop Boris into

so that their U. S. visas could be canceled. At the willingness of the U. S. Government to admit a Soviet clergyman to fulfill functions comparable to those permitted the American clergyman in Moscow was reaffirmed.

36. NOTE FROM THE AMERICAN EMBASSY TO THE SOVIET FOREIGN MINISTRY, DECEMBER 2, 1955

The Embassy of the United States of America presents to the Ministry of Foreign Affairs of the U. S. S. R. the following note: The U. S. Government has the honor to refer to its Note No. 118 of December 2, 1955.² Essentially, this note again supports the view of the Soviet Government that Archbishop Boris should be granted the privilege of traveling to the United States to function as resident Exarch of the Russian Orthodox Church in America before the American clergyman, Father Dion, will be permitted to enter the Soviet Union to perform the modest functions which his predecessors fulfilled under the November 16, 1933 agreement which established diplomatic relations between the USA and the USSR.³ It is regrettable that the Soviet Government has seen fit since its expulsion of Father Dion in March 1955⁴ to link these dissimilar cases.

Properly considering each of these matters in its own context, the United States Government holds to the position expressed in the Embassy's note of June 27, 1955⁵ that the right of American nationals to tend the spiritual needs of American nationals in the Soviet Union rests on the terms of the November 16, 1933 agreement. Consequently, the Soviet Government's expulsion of Father Dion and its present negative attitude toward the American clergyman constitute a clear violation of that agreement.

Although the Ministry's Note of March 8, 1955⁶ claimed that the November 16, 1933 agreement precluded reciprocity with regard to Soviet clergymen in the United States, the United States Government perceived no objection to the principle of reciprocity. Consequently, the Embassy advised the Soviet Government on June 27, 1955 and has subsequently reiterated that the United States Government is prepared to grant a Soviet clergyman the same privileges and facilities of tending to the religious needs of Soviet nationals in the United States as those accorded to American clergymen in tending the religious needs of American nationals in the Soviet Union. In spite of the absence of a positive Soviet response to this

Order has been advised orally by the Soviet Embassy in Washington that Father Dion should not attempt to utilize his Soviet visa until such time as the question of the entry of Archbishop Boris into the United States is resolved. The United States Government requests that this counsel be revoked and that no further obstacles be placed in the way of Father Dion's early departure for the Soviet Union.

The Soviet Government's action in linking the entry of Archbishop Boris with that of Father Dion has tended to confuse the issues involved and to complicate a clear understanding of the United States Government's position with regard to the entry of Archbishop Boris. Divorced from the irrelevant and extraneous considerations introduced by the Soviet Government in dealing with these two distinctly different problems simultaneously, this position may be summarized as follows:

The United States Government has not objected to temporary visits to the United States by Soviet ecclesiastics for the purpose of conducting legitimate church affairs. Archbishop Boris and his predecessor, Archbishop Germogen, were admitted temporarily for this purpose, and in both cases their visas were extended subsequently to permit a longer stay in the United States than that for which they were originally admitted. However, the Department continues to feel that it is neither appropriate nor desirable for Archbishop Boris, a Soviet national who is a high-ranking official of the Orthodox Church in the Soviet Union, to reside indefinitely in the United States as head of one of the Russian Orthodox Church groups in the United States.

The Embassy's request of November 12, 1955¹ that the passports of Archbishop Boris and his secretary be made available for the cancellation of their visas is reaffirmed. This cancellation can be effected by United States consular officials at any United States diplomatic mission or consular office abroad.

E. DISCUSSION OF SOVIET-AMERICAN RELATIONS AT THE GENEVA CONFERENCE OF HEADS OF GOVERNMENT, JULY 18-23, 1955

37. ADDRESS BY THE PRESIDENT ON THE EVE OF HIS DEPARTURE FOR THE CONFERENCE, JULY 15, 1955²

duties as Commander-in-Chief in time of war or to conferences at the end of the war, and to provide for that would bring about a peace.

But now, for the first time, a President goes to conference with heads of other governments in order to in order to see whether in this time of stress and strain devise measures that will keep from us this terrible afflicts mankind.

Now, manifestly, there are many difficulties in the President going abroad for a period, particularly while Congress is in session. He has many constitutional duties. He must perform them. I am able to go on this trip only because of the generous cooperation of the political leaders in Congress and the parties who have arranged their work so that my absence will not interfere with the business of the Government.

On my part I have promised them that by a week on July twenty-fourth, I shall be back here ready to resume my accustomed duties.

Now, it is manifest that in a period such as this, the President to spend abroad, we cannot settle the details of the problems that afflict the world. But, of course, I go for a very specific purpose. This purpose is to attempt, with my colleagues, to change the situation that has characterized the intergovernmental relations of the world during the past ten years.

Now, let us think for a moment about this purpose. I will enumerate a few of the problems that plague the world: the arms race, the burden of armaments and the burdens that people are forced to bear because of the necessity for these armaments. The problem of the states, once proud people, that are not allowed their independence, their government freely chosen by themselves and under independent election by themselves.

The problem of divided countries, people who are related to each other by blood kinship and divided by force of arms in such a way that they are indeed expected to be hostile to each other. The problem of international interference in the internal affairs of free governments, bringing about a situation that leads to further difficulties and recriminations within a country, so that it leads to revolution.

These problems are made all the more serious by the competition between governments. These problems of which I speak have arisen as the aftermath of wars and conflicts. But go on, they are divided also by differing ambitions, by differing ideological

and tedious negotiations that must take place before the details of these problems can be settled.

For many post-war conferences have been characterized too much by attention to details; by an effort apparently to work on specific problems rather than to establish the spirit, and the attitude in which we shall approach them. Success, therefore, has been meager. Too often indeed these conferences have been mere opportunities for the gratification of nationalistic ambitions, or indeed only for sounding the drums for the propaganda that the participants want to spread to the rest of the world.

If we look at this record we would say, "Why another conference? What hope is there for success?" Well now the first question I ask is "Do we want to do nothing? Do we want to sit and drift along toward the inevitable end in such a contest of war or increased tensions?" We want peace. We cannot look at this whole situation without realizing first that pessimism never won any battle, whether it was in peace or it was in war.

Next we will understand that one ingredient has been missing in all these conferences. An honest intent to conciliate, to understand, to be tolerant, to try to see the other fellow's viewpoint as well as we see our own. I say to you if we can change the spirit in which these conferences are conducted we will have taken the greatest step toward peace, toward future prosperity and tranquillity that has ever been taken in all the history of mankind.

I want to give you a few reasons for hope in this project. First, the people of all the world desire peace. This is peace for peace everywhere. I distinguish between people and governments. For the moment when we know that the great hordes of men and women who make up the world do not want to go to the battlefield. They want to live in peace. Not a peace that is a mere stilling of the passions but a peace in which they can live happily, tranquilly, and in confidence that they can raise their children in a world of which they can be proud. That common desire for peace is something that is a powerful force in this world and to which I believe all political leaders of the world are beginning to respond. They must recognize it.

Another item; did you note this morning the speech made by Nikhita Khrushchev in Moscow? Every word he said was along the line that I am now speaking. He talked of conciliation and tolerance and understanding. I say to you—I say to all the world—if the words he expressed are as truly reflective of the hearts and minds of the people in the Kremlin as we are sure they are reflective of the hearts and minds of all the people in Russia, as in the hearts and minds of the people in the rest of the world, then there will be no trouble

or another, in a divine power. It believes in a Supreme this, my friends, is a very great factor for conciliation this time because each of those religions, each one of one of its basic commandments the words, terminology, to our Golden Rule. "Do unto others as you would have you." This means that the thinking of those people ideas of right and justice and mutual self-respect, con the other man. And this means peace, because only in p conceptions as these prevail.

This means that the free people of the world hate want peace and are fully dedicated to it. Now this cou free countries, maintains arms. We maintain formatio all the modern weapons. Why? Because we must. A spirit that has prevailed up to now is going to prevail we cannot expose our rights, our privileges, our homes, children, to the risk that would come to an unarmed co

But we want to make it perfectly clear these arma reflect the way we want to live; they merely reflect t present conditions we have to live.

Now it is natural for a people, steeped in a religiou when they come to moments of great importance, may such as now we face, to turn to the Divine Power th his own heart, believes in his own heart, for guidance for some help in doing the thing that is honorable an have no doubt that tonight, throughout this country throughout the free world, such prayers are ascendin mighty force. And this brings to me the thought that t we could also achieve a very definite and practical resul moment. Suppose, on the next Sabbath Day observe our religions, America, 165 million people of us, went to the places of worship and, crowding those places, and by so doing demonstrated to all the world the sincer of our aspirations for peace.

This would be a mighty force.

None could then say that we preserve armaments bec to—we preserve them because we must.

My friend, Secretary Dulles, and I go to this conf earnest hope that we may accurately represent your con beliefs, your aspirations. We shall be conciliatory country seeks no conquest, no property of others.

We shall be tolerant, because this nation does not s our way of life upon others. We shall be firm in the of your spiritual and material strength and your defens

38. STATEMENT BY THE PRESIDENT, JULY 18, 1955 ¹

We meet here for a simple purpose. We have come to find a basis for accommodation which will make life safer and happier not only for the nations we represent but for people elsewhere.

We are here in response to a universal urge, recognized by Premier Bulganin in his speech of July 15,² that the political leaders of our great countries find a path to peace. We cannot expect here, in the few hours of a few days, to solve all the problems of all the world that need to be solved. Indeed, the four of us meeting here have no authority from others that could justify us even in attempting that. The roots of many of these problems are buried deep in war, conflict and history. They are made even more difficult by the differences in governmental ideologies and ambitions. Manifestly it is out of the question in the short time available to the Heads of Government meeting here to trace out the causes and origins of these problems and to devise agreements that could with complete fairness to all eliminate them.

Nevertheless, we can, perhaps, create a new spirit that will make possible future solutions of problems which are within our responsibilities. And, equally important, we can try to take here and now at Geneva the first steps on a new road to a just and durable peace.

The problems that concern us are not inherently insoluble. Of course, they are difficult; but their solution is not beyond the wisdom of man. They seem insoluble under conditions of fear, distrust, and even hostility, where every move is weighed in terms of whether it will help or weaken a potential enemy. If those conditions can be changed, then much can be done. Under such circumstances I am confident that at a later stage our Foreign Ministers will be able to carry on from where we leave off to find, either by themselves or with others, solutions to our problems.

No doubt there are among our nations philosophical convictions which are in many respects irreconcilable. Nothing that we can say or do here will change that fact. However, it is not always necessary that people should think alike and believe alike before they can work together. The essential thing is that none should attempt to use force or trickery to make his beliefs prevail and thus to impose his system on the unwilling.

The new approach we of this conference should seek cannot be found merely by talking in terms of abstractions and generalities. It is necessary that we talk frankly about the concrete problems which create tension between us and about the way to begin in solving

since the German armistice and Germany is still divided, the division does a grievous wrong to a people which is entitled to pursue together a common destiny. While the division continues, it creates a basic source of instability in Europe. Peace of peace has little meaning if at the same time we perpetuate conditions endangering the peace. Towards Germany, the Allies have special responsibilities. While any conclusions we reach must be invalid unless supported by majority opinion in Germany, the German problem should be a topic for our meeting here. Must we find ways to solve it promptly and justly?

In the interest of enduring peace, our solution should be in the interest of the legitimate security interests of all concerned. We insist a united Germany is entitled at its choice, to the inherent right of collective self-defense. By the same token, we are ready to take account of legitimate security interests of the Soviet Union. The Paris agreements¹ contain many provisions for this purpose. But we are quite ready to consider further safeguards which are reasonable and practical and contribute to the security of all concerned.

On a broader plane, there is the problem of respecting the right of peoples to choose the form of government under which they live and of restoring sovereign rights and self-government to peoples who have been deprived of them. The American people feel that certain peoples of Eastern Europe, many with a long record of national existence, have not yet been given this pledge of our United Nations wartime declaration,² and other wartime agreements.

There is the problem of communication and human understanding among our peoples. We frankly fear the consequences of isolation where whole peoples are isolated from the outside world. Can people want to be friends with the Soviet peoples despite the natural differences between our peoples or our nations? There are no territorial conflicts or commercial rivalries. Historically, European countries have always been at peace. But friendly relations between peoples does not readily develop when there are barriers such as now interfere with communication. If all curtains whether of guns or laws or regulations should come down. But this can only be done in an atmosphere of respect and confidence.

There is the problem of international communism. At present, now, its activities have disturbed relations between other nations and the Soviet Union. Its activities are not confined to one country. It seeks throughout the world to subvert lawful

ally, there is the overriding problem of armament. This is at result and a cause of existing tension and distrust. Contrary basic purpose of the United Nations Charter, armaments now much of men's effort from creative to non-productive uses. Could all like to end that. But apparently none dares to do so because of fear of attack.

Nuclear attack has a capacity for destruction far beyond anything man has yet known. So each of us deems it vital that there be means to deter such attack. Perhaps, therefore, we should consider whether the problem of limitation of armament may not be approached by seeking—as a first step—dependable ways to verify and inspect military establishments, so that there can be no hidden surprises, whether by sudden attack or by secret violation of restrictions. In this field nothing is more important than that we explore together the challenging and central problem of effective mutual inspection. Such a system is the foundation for real disarmament.

When we think of this problem of armament, we need to remember the present burden of costly armaments not only deprives our own people of higher living standards, but it also denies the peoples of the less developed areas of resources which would improve their lot. These areas contain much of the world's population and many are now emerging for the first time into political independence. They are grappling with the urgent problem of economic growth. They badly need assistance particularly for capital development from the more developed nations of the world. However, their economic process is gravely retarded by the fact that the more developed industrial countries are dedicating so much of their productive effort to armament. Armament reduction would and should insure that part of the savings would flow into the less developed areas of the world to assist their economic development.

In addition, we must press forward in developing the use of atomic energy for constructive purposes. We regret that the Soviet Union has never accepted our proposal of December 1953¹ that nations possessing stockpiles of fissionable material should join to contribute to a "world bank" so as, in steadily increasing measure, to substitute cooperation in human welfare for competition in means of human destruction. We still believe that if the Soviet Union would accord to its ability contribute to this great project, that act would improve the international climate.

In this first statement of the Conference, I have indicated very briefly some of the problems that weigh upon my mind and upon the minds of the United States and whose solution is largely within the

of the matters which it might be useful to discuss here at our time accordingly.

Let me repeat, I trust that we are not here merely to state differences. We are not here to repeat the same dreary pattern which has characterized most of our negotiations of the past. We are here in response to the peaceful aspirations of men everywhere, to the kind of discussions which will inject a new spirit of confidence and sincerity; and to launch fresh negotiations under conditions of good augury.

In that way, and perhaps only in that way, can our brief, necessarily brief, serve to generate and put in motion the new forces to set us truly on the path to peace. For this I am sure you will devoutly pray.

39. STATEMENT BY THE PRESIDENT, JULY 1950

According to the adopted agenda, today we meet to discuss the problem of normalizing and increasing the contacts between our peoples in many fields. I am heartened by the deep interest in this problem which interest implies a common purpose to understand each other better. Unfortunately there exist unnecessary restrictions and barriers between us of ideas, of things and of people.

Like other questions we have considered during the past few years, this one cannot be considered independently or in isolation. It is related by their direct importance to the general objective of reducing world fears and tensions.

To help achieve the goal of peace based on justice and mutual understanding, there are certain concrete steps which must be taken:

(1) To lower the barriers which now impede the free flow of information and ideas between our peoples.

(2) To lower the barriers which now impede the free movement of people to travel anywhere in the world for peaceful, friendly purposes so that all will have a chance to know each other face to face.

(3) To create conditions which will encourage national cooperation and the exchange of peaceful goods throughout the world.

Success in these endeavors should improve the conditions of life for all our citizens and elsewhere in the world. By helping to reduce poverty and ignorance, we can take another step in the achievement of peace.

Restrictions on communications of all kinds, including

protection of our own interests, to place some restrictions upon the movement of persons and communications across our national frontiers.

This conference has the opportunity, I believe, to initiate concrete steps to permit the breaking down of both mild and severe barriers to mutual understanding and trust.

Now I should like to turn to the question of trade. I assume that each of us here is dedicated to the improvement of the conditions of life of our own citizens. Trade in peaceful goods is an important factor in achieving this goal. If trade is to reach its maximum capability in this regard, it must be both voluminous and world-wide.

The United Nations has properly been concerned in making available to the people of the under-developed areas modern technology and managerial abilities, as well as capital and credit. My country not only supports these efforts, but has undertaken parallel projects outside the United Nations.

In this connection the new atomic science possesses a tremendous potential for helping raise the standards of living and providing greater opportunity for all the world. World-wide interest in overcoming poverty and ignorance is growing by leaps and bounds, and each of the great nations should do its utmost to assist in this development. As a result new desires, new requirements, new aspirations are emerging almost everywhere as man climbs the upward path of human destiny. Most encouraging of all is the evidence that after centuries of fatalism and resignation, the hopeless of the world are beginning to hope.

But regardless of the results achieved through the United Nations effort or the individual efforts of helpful nations, trade remains the indispensable arterial system of a flourishing world prosperity.

If we could create conditions in which unnecessary restrictions on trade would be progressively eliminated and under which there would be free and friendly exchange of ideas and of people, we should have one much to chart the paths toward the objectives we commonly seek.

By working together toward all these goals, we can do much to transform this century of recurring conflict into a century of enduring and invigorating peace. This, I assure you, the United States of America devoutly desires—as I know all of us do.

not by any means be interpreted as acquiescence in it from it.

But it has seemed to me that in the closing conference there is no necessity for me to announce to and to the world the United States position on the imp we have discussed. These I hope and believe have al clear. Therefore, it has not seemed particularly fit to recite them in detail. Rather I content myself w tions on our work of the past week and an expression for the future.

This has been an historic meeting. It has been good week. But only history will tell the true worth of our session together. The follow-through from th our respective Governments will be decisive in the Conference.

We have talked over plainly a number of the m perplexing questions affecting our several peoples peoples of the entire world.

We did not come here to reach final solutions. W we might together find the path that would lead to sol brighten the prospects of world peace.

In this final hour of our assembly, it is my judgment of a lasting peace with justice, well-being, and b are brighter. The dangers of the overwhelming tra war are less.

The work of our Foreign Ministers as they strive to directives will be of great importance, perhaps of what we have done here. Theirs is the task, reflecting policies of their Governments, to reach agreement on which we here could discuss only in broad terms. I them well.

I trust we will all support the necessary adjustments may find our Governments must make if we are to ferences in these matters.

If our peoples, in the months and years ahead, broaden and their understanding of each other, as we, d have broadened our knowledge of each other, further between our Governments may be facilitated. May this of justice. May it result in improved well-being, and less of fear or suffering or distress for mankind marked by more of good will among men. These d deed be ever remembered.

I came to Geneva because I believe mankind lo from war and rumors of war. I came here because of in the decent instincts and good sense of the people this world of ours. I shall return home tonight with unshaken, and with the prayer that the hope of mankind be realized.

DIRECTIVE OF THE HEADS OF GOVERNMENT OF THE UR POWERS TO THE FOREIGN MINISTERS, JULY 23, 5¹

The Heads of Government of France, the United Kingdom, the S. R. and the U. S. A., guided by the desire to contribute to the reduction of international tension and to the consolidation of confidence between states, instruct their Foreign Ministers to continue consideration of the following questions with regard to which an exchange of views has taken place at the Geneva Conference, and to use effective means for their solution, taking account of the close connection between the reunification of Germany and the problems of European security, and the fact that the successful settlement of each of these problems would serve the interests of consolidating peace.

*European Security and Germany.*² For the purpose of establishing European security with due regard to the legitimate interests of all states and their inherent right to individual and collective self-defence, the Ministers are instructed to consider various proposals to this end, including the following: A security pact for Europe or part of Europe, including provisions for the assumption by member nations of an obligation not to resort to force and to deny assistance to an aggressor; limitation, control, and inspection in relation to armed forces and armaments; establishment between East and West of a zone in which the disposition of armed forces will be determined by mutual agreement; and also to consider other possible proposals pertaining to the solution of this problem.

The Heads of Government, recognizing their common responsibility for the settlement of the German question and the re-unification of Germany, have agreed that the settlement of the German question and the re-unification of Germany by means of free elections shall be carried out in conformity with the national interests of the German people and the interests of European security. The Foreign Ministers will make whatever arrangements they may consider desirable for the participation of, or for consultation with, other interested states.

*Armament*³

The Four Heads of Government, convinced of the necessity, for secure peace and for the welfare of mankind, of achieving a system for the control and reduction of all armaments,

nations, for raising their well-being, as well as for assistance to developed countries,

Agree:

(1) for these purposes to work together to develop a system for disarmament through the Sub-Committee of the United Nations Disarmament Commission;

(2) to instruct their representatives in the Sub-Committee to discharge of their mandate from the United Nations to take into account the views and proposals advanced by the Government at this Conference;

(3) to propose that the next meeting of the Sub-Committee be held on August 29, 1955, at New York;

(4) to instruct the Foreign Ministers to take note of the work done in the Disarmament Commission, to take account of the proposals advanced by the Heads of Government at this Conference and to consider whether the four Governments can take any useful initiative in the field of disarmament.

3. *Development of Contacts between East and West*

The Foreign Ministers should by means of experts studies including those possible in organs and agencies of the United Nations which could (a) bring about a progressive elimination of barriers which interfere with free communications and peaceful relations between people and (b) bring about such freer contacts and exchanges as are to the mutual advantage of the countries and peoples.

4. The Foreign Ministers of the Four Powers will meet during October to initiate their consideration of these questions and to determine the organisation of their work.

42. STATEMENT BY THE SECRETARY OF STATE AT THE CONFERENCE, JULY 26, 1955 ¹

The Geneva "Summit" Conference produced good results.

First of all, I would put the fact that it registered a considerable improvement in the relations between the Soviet Union and the Western Powers. They became less brittle. That should mean that in the predictable future, we can subject our differences to the processes of diplomacy with less fear that war will come off. That, of course, does not mean that early and easy solution is in sight. It does mean that the war danger has further receded.

Another development at the Geneva Conference was

could be sure that the other was not planning a massive surprise attack.¹

This is the most dramatic, and at the same time most serious and sober, peace proposal that history records. The Soviets made no immediate reply, but that is not surprising for the proposal is one which no doubt they wish to take time to study. If, however, they have the genuine desire of peace which they indicated at Geneva, then I feel confident that positive results will come from President Eisenhower's proposal.

The Western powers also brought to the fore the problem of German reunification. This now is very much a matter of practical international statesmanship. German reunification is in the air and I am convinced that it will come about, not immediately, but surely. Of course, we recognized that it will come about more easily within a framework of European security. So the Western powers accepted the Soviet request that European security be studied. In that connection we put forward a series of practical suggestions which will come before the October Foreign Ministers Conference. These can give the Soviet Union assurance that German reunification, far from endangering the Soviet Union, can take place under conditions which will provide safety to all.

We had occasion to bring home to the Soviet rulers the importance which the United States Government and people attach to the right of the satellite nations to have governments of their own choosing. Also we made clear our grave objection to the revolutionary and subversive activities of international Communism. We obtained no assurance, but we hope that developments will in fact tend to eliminate these causes of tension.

The Conference in no way weakened the close ties and unity of purpose which exist between the three Western powers which were present at Geneva. On the contrary, their unity emerges stronger than ever from this new testing to which it was subjected.

The Conference did not press national viewpoints to a point where there would have been a breakdown, which would have dimmed the hopes of future peace. On the other hand, the Conference avoided the equal danger of creating an illusion that all was now so well that we could safely relax our efforts to build individual and collective self-defense.

President Eisenhower played a great role at this Conference, one of which our nation can always be proud. Also the people of the United States can themselves take pride in the contribution of each to an unprecedented peacetime demonstration of spiritual unity behind our determination to make peace both just and durable.

situation, but there are also possible hazards. The task of like diplomacy is to realize to the full the opportunities without the hazards.

F. DISCUSSION OF SOVIET-AMERICAN RELATIONS AT THE GENEVA MEETING OF FOREIGN MINISTERS, OCTOBER 27-NOVEMBER 16, 1955

43. PROPOSAL SUBMITTED BY THE FOREIGN MINISTERS OF THE UNITED STATES, THE UNITED KINGDOM, AND FRANCE, OCTOBER 31, 1955 ¹

Development of East-West Contacts

The Foreign Ministers of Great Britain, France, and the United States, mindful of the Directive issued at Geneva by the Western Government,² express their desire to explore, together with the Foreign Minister of the Soviet Union, measures designed about a progressive elimination of barriers which interfere with communications and with peaceful trade between peoples. They express about such freer contacts and exchanges as are to the mutual advantage of the countries and peoples concerned.

The three Ministers wish to point out that their Governments have consistently favored free communication of information, free exchange of persons, and the development of peaceful and constructive means of promoting an atmosphere of confidence between states and a better understanding among peoples. Their Governments have always sought to foster free expression of opinion, to promote the free development of individual conscience, and, with courage, through a free competition of ideas, the development of objective opinion. The three Western Governments believe that a constructive development of contacts with the Soviet Union, together with the progressive resolution of those substantial issues which constitute the true causes of international tensions, will contribute to the establishment of the durable peace desired by mankind.

It is the view of the Western Powers that the four Great Powers must contribute actively to the establishment of a better understanding between the peoples of the West and the peoples of the East.

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Foreign Ministers are convinced that this work of mutual understanding, which must eventually lead to peaceful changes in the area of those freedoms which mankind holds dear, will have the moral approbation of the peoples of Eastern Europe and the peoples of the West.

Accordingly the Western Powers consider that it is essential to reach an agreement with the Soviet Union, to determine forthwith the conditions in which it appears most appropriate to proceed with exchanges of information, in the mutual advantage of the peoples of Eastern Europe and the West.

It is with this intention that the three Western Governments have decided to submit a program of action. Cognizant of the fact that the evolution of free societies has produced individual traditions and procedures, it is understood that arrangements made by the Three Western Governments aimed at the implementation of this program would be in accordance with their national traditions and procedures. The program of the Three Governments comprehends the following concrete propositions:

1. Freer exchange of information and ideas should be facilitated. All censorship should be progressively eliminated. The conditions which hamper the flow of full factual information and varied opinions between the peoples of the West and those of the Soviet Union should be removed.

2. Arrangements should be made for the four Powers to establish information centers, on a basis of reciprocity, in each other's countries where these do not already exist. Everyone should be allowed the free use of these centers without hindrance or discouragement from their own government.

3. The four Powers, where they do not already do so should encourage the publication and facilitate the distribution to public institutions and private individuals in each other's countries of official publications printed in English, French or Russian.

4. Exchanges of books, periodicals and newspapers between the principal libraries, universities and professional and scientific institutions in the Soviet Union and the three Western countries should be encouraged. Such books, periodicals and newspapers should be made available for general and unimpeded public sale in the Soviet Union on the one hand and the three Western countries on the other.

5. There should be a substantial increase in the exchange of government publications and full lists, catalogs and indexes of such publications should be made available by Governments where they do not already do so.

6. The film producers of the three Western countries are

9. The Soviet Union and the Western Powers should consider the desirability of exchanging monthly uncensored broadcasts on world developments. This could take the form of half hours for the Soviet Union on the Western broadcasting systems with reciprocal arrangements for the Western Powers on the Soviet system.

10. The censorship of outgoing press despatches and the denial to journalists of access to normal sources of information are serious barriers to the free circulation of ideas. The four Governments, where appropriate should take immediate steps to remove such barriers.

11. Private tourism should be increased. This will require more liberal procedures as regards travel restrictions and other administrative practices. Above all it will require reasonable rates of currency exchange.

12. There should be further exchanges of persons in the professional, cultural, scientific and technical fields. Exchanges should be arranged on the basis of principles approved by the governments concerned.

13. Meetings of outstanding scientists and scholars of the four countries at reputable international congresses should be facilitated.

14. There should be cultural and sporting exchanges on a reciprocal basis, drawing on the best each has to offer under the auspices of the principal cultural institutions and sporting organizations on both sides.

15. A beginning should be made with exchanges of students[particularly those engaged in language and other area studies. It should be possible for the students to share fully and freely the student life of the country they visit.

16. Restrictions on the ability of the members of the diplomatic missions of the four governments to travel in each other's countries should be removed on a basis of reciprocity.

17. Agreement should be reached in principle for reciprocal exchanges of direct air transport services between cities of the Soviet Union and cities of the three Western countries.

So far as trade is concerned, the Western Powers sincerely desire to see an improvement in commercial relations between the countries of Eastern Europe and themselves, leading to an increase in mutual trade in peaceful goods. To this end they have made freely available to the countries of Eastern Europe a wide area of trade with respect both to exports and imports. That only small advantage has so far been taken of these opportunities is, in their view, basically a reflection of policies and conditions within the countries of Eastern Europe. While they feel, therefore, that the major initiative in securing a

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If the Four Powers can agree on the above proposition, a step forward will have been made towards better understanding between nations. This might in due course serve as the basis for a further expansion of contacts on a broader international scale.

44. STATEMENT BY THE SECRETARY OF STATE OCTOBER 31, 1955 ¹

The Heads of Government meeting here last July directed the study measures, including those possible in the United Nations, for the progressive elimination of barriers interfering with international communication and peaceful trade and for the establishment of freer contacts and exchanges which are of advantage to both East and West.

The reductions of barriers and greater human contacts which we seek are not merely ends in themselves. They are designed to assure that the peace we seek is not passive, but a creative force which enables men and nations better to realize their individual and national aspirations which conform to moral principles.

The United States approaches hopefully, even though cautiously, a study of measures to eliminate barriers to free communication and peaceful trade. We know that, in an atmosphere of tension, communications are not readily made free, nor trade made normal. Unless we must break at some point a vicious circle in which lack of free communications and the absence of normal trade relations and personal contacts lead to further misunderstanding between peoples and increased tension.

We have already begun discussion of one of the fundamental causes of international tension, the division of Germany, and we shall now to discuss the world's vast armaments. However, as agreed by the Four Ministers at New York,² we are willing, simultaneously with our own consideration of European Security and Germany's disarmament, to proceed through a committee of experts³ with a view to the elimination of barriers to free communications and trade and the establishment of freer contacts.

Upon conclusion of their study, these experts should, we hope, report back to the Four Ministers, so that we may consider the results of their study, both upon individual topics and in the aggregate, so that we may be in a position likewise to coordinate our own proposals and conclusions under item III of our agenda with the results of our work on the other items.

In this matter of "contacts" the United States Delegation

When I saw President Eisenhower in Denver, just before leaving for Geneva, he re-affirmed his high hopes for progress at this conference not only with respect to the reunification of Germany within the framework of European security and disarmament, but also in the development of contacts between our peoples.

Contacts between peoples is not a new thing for the United States. It is part of our heritage. Our nation itself is composed of people from every land who have brought with them new ideas and have made valuable contributions enriching our society.

We are naturally a friendly people who like to know and be known. We have long wanted to learn more about the Soviet Union and its peoples and we have hoped that they would come to know us, and what we say and think and do. There is a solid basis for good will between us. It is a fact of history which should be remembered now that our peoples have never fought each other.

So we did not understand it when the rulers of the Soviet Union sought to seal off their people from outside contacts. But when this happened and strains developed, the United States, in its turn, placed restrictions on exchanges with the USSR. But these restrictions were solely in response to the actions initiated by the Soviet Government in this period.

Recently, we have noted that the attitude of the Soviet Government may be changing. We welcome this development. It provides a basis of hope for accomplishment in this item of our agenda.

II

The subject of contacts can be divided into three parts: (1) freedom for exchanges of information and ideas; (2) freedom for exchange of persons and travel; (3) development of trade between East and West.

Information

In the field of exchanges of information, we immediately encountered basic obstacles.

There is an all-embracing Soviet censorship of press and radio. There is systematic jamming of radio broadcasts from other countries. We hope that steps will be initiated at this conference looking to the removal of these obstacles.

In addition to the removal of obstacles, the United States will encourage specific projects in this field, such as an exchange of radio broadcasts between the United States and the Soviet Union. For example, there might, as a beginning, be a monthly exchange of commentaries on world developments as seen from Soviet and Western

granted to the United States on the Soviet radio. Through such an exchange, the peoples of both our countries would have the benefit of free discussion, criticism and debate on outstanding issues of the day.

A concrete step promoting a mutually useful exchange of information and ideas was taken by the United States on September 9th of this year.¹ The United States proposed to the Soviet Government that it permit the renewed circulation in the Soviet Union of an official Russian-language magazine entitled *Amerika*. We are prepared to permit the comparable circulation of an official Soviet magazine in the United States.

We wish also to advance proposals for the distribution of American films in the Soviet Union and for the establishment, on a reciprocal basis, of information centers in the respective capitals.

Travel

In the field of exchanges of persons and travel, another basic obstacle is immediately encountered. The arbitrary rate of exchange of the ruble makes all travel in the Soviet Union excessively expensive for foreigners. The ruble rate also has an adverse effect on many aspects of the exchange of information and the development of trade. It is important that steps should be taken to eliminate this obstacle.

The United States has played an active role in recent months in effecting exchanges of persons with the Soviet Union. A group of Soviet agriculturalists toured the United States and a group of American farmers visited the Soviet Union.² Groups of Soviet construction experts and newspapermen are now travelling widely throughout our country. Two outstanding Soviet musical artists have been invited to make concert tours in the United States, one of which has already begun. These visitors will bear witness to the wide range of facilities and opportunities which they enjoy in the United States in line with the purposes of their visits.

We shall continue to consider such proposals favorably to the extent to which they accrue to the mutual advantage of both countries and contribute to and reflect a spirit of real cooperation.

It is to be hoped that, in general, visits between the United States and the Soviet Union will gradually become more normal occurrences in the future. Americans are fond of travel and many people from other countries visit us each year. In 1954 almost one million Americans went abroad. Four hundred and fifty thousand foreign travelers entered the United States.

In the general area of travel, the United States has specific proposals to advance. Among them is a proposal for an agreement

controls which now are imposed on the movements of for Soviet Union will be reduced. The United States is reduce, on a basis of reciprocity, the controls which w Soviet citizens as a result of the restrictions in the

Due to the lack of adequate protection afforded to Am in the Soviet bloc countries, the United States Govern passport restrictions in 1952 on the travel of Americans tries of Eastern Europe.¹ These are being removed to after, American passports will be valid for the Soviet l the countries of Eastern Europe with which the United tains relations.

Trade

The third aspect of contacts relates to *peaceful* trade. If *strategic* trade is concerned, I support fully the observ Mr. Macmillan and M. Pinay have already made.³ Stra a matter of *security* concern and is clearly outside the pu III of the Directive, which speaks of "peaceful trade". tions which govern strategic trade are a consequence, n tensions, and involve only a very narrow portion of the potential trade.

To a trading nation such as the United States, pe trade is most important. However, it is conducted b States primarily as a matter of individual enterprise i commercial motivation.

United States exporters and importers buy and sell range of diverse things. Judging from our limited kno present conditions of life within the Soviet bloc, there y be a great number of United States materials and produ those of other Western countries, which could fill imm

The state of trade, however, stands in marked contr praisal. Although the Western countries continue to Europe ready access to an enormous area of potential t of trade between them is still low as compared with pre- is only a very small proportion of total world trade and of most Western countries.

Plainly the reason for the continued low level of Ea has been an unwillingness or lack of interest on the part Union. While talking generalities about trade, the S ment has continued to confine its international trade ev of peaceful goods, within strict controls and the rigiditie barter trade arrangements. It has pursued a policy nationalism and regionalism which ignores the benefi

and are now offered by the Western nations to the Soviet bloc countries.

The general question of Soviet interest in peaceful international trade can only be answered in specific terms. Is the Soviet Union now prepared to expand its exports sufficiently to make possible a much higher level of trade with the West? If so, what goods will be available? If the USSR believes that serious obstacles to peaceful trade exist on the Western side, we want to know what they are.

Before coming here to Geneva, I consulted with the heads of the appropriate departments of my Government and arranged for progressively simplifying certain of our operating procedures concerning exports to the Soviet bloc countries, so that the pathway to commercial enterprise might become smoother.

These measures can facilitate trade, but they cannot produce trade where commercial incentive is lacking or where Western interest in trade is not reciprocated in Eastern Europe. The discussions here, as hoped, will disclose the specific steps which can be taken to increase the peaceful trade between the West and Eastern Europe. We shall await with sympathetic interest the suggestions which the representatives of the Soviet Union may make upon this subject.

We agreed at New York that detailed discussion at Geneva of East-West contacts would be left to our experts. As the United States expert, I have appointed Mr. William H. Jackson. He is serving not merely at my request but at the personal request of President Eisenhower.

I hope that the experts may begin their important task without delay. I would suggest that they make a careful study of specific projects in the field of improved contacts and prepare recommendations concerning their implementation, including procedures which could be developed through the organs and agencies of the United Nations.

We shall eagerly await the results of the experts' work, which contains so much of hope and promise for a better and more peaceful world.

45. STATEMENT BY THE SECRETARY OF STATE, NOVEMBER 14, 1955 ¹

This item of East-West contacts, although last on our Agenda, is not the least. For in the long run peace depends upon fellowship between the peoples of the world.

We believe that the human race is, by the Supreme Will, which

family may be artificially divided into hostile camps and the peoples may be brought to regard others as alien and hostile fact that is not the case. Sometimes those in power find it to promote this alienation of peoples. But that is a danger which we should erect such bulwarks as are to be found in exchange of information and in the free movement of people.

We realize that free information is not always correct and that those who travel do not always give or receive corrections. Nevertheless, the risks from such infirmities are infinitely less than the risk of allowing the thinking of one people about another to be determined by government controls.

The United States hoped that one of the good results to the Geneva Conference of the Heads of Governments would be exchanges of ideas, of persons and of goods.

This has happened to some degree. The United States has tried to help in that direction.

With respect to the exchange of ideas there was nothing the United States could do unilaterally. Already our free press has been fully on developments within the Soviet bloc that are known. Important statements by Soviet rulers are widely reported in the press, radio and television newscasts. The only limitation is Soviet censorship of news from the Soviet Union and the Eastern bloc, which reporters experience in getting access to the facts of the Soviet bloc. On our side there is no censorship or other restrictions.

With respect to the exchange of persons, the United States, in the earnest of its intentions, changed its passport regulations so that passports may be obtained valid for the Soviet Union and Eastern European countries with which we have diplomatic relations, and that passports are valid for Western European countries.

In the area of trade with the Soviet Union we have only minor restrictions. In anticipation of this Conference, and in order to promote trade further, we took steps to simplify export procedures.¹

However, the developments at this Conference have been disappointing.

The exchange of information and ideas is blocked on our side by an all-embracing Soviet censorship of press and radio and by systematic Soviet jamming of radio broadcasts from other countries.

In the Committee of Experts,² the Soviet representative maintained that these two obstacles—censorship and jamming—could not be admitted to the agenda for substantive consideration since they concerned internal affairs of the Soviet Union.

It can be argued that these matters are indeed internal

people from learning objective facts about the rest of the world. Knowledge of the true way of life of the non-communist countries, including their eagerness to live in peace and friendship with the Soviet peoples, has been suppressed. At the same time, it is impossible for the rest of the world to receive adequate reports about developments in the Soviet Union.

The failure of the Soviet Delegation to indicate any willingness to take steps looking toward the progressive elimination of censorship, consequently, extremely discouraging.

The Soviet Delegation refused to consider Western suggestions for improvement in the treatment accorded to foreign journalists in the Soviet Union. The Soviet Delegation also evaded a precise answer to the proposal of the Western Powers for a regular exchange of uncensored broadcasts, responding only with vague pronouncements regarding the desirability of a general agreement for greater cooperation in the radio field.

We would welcome cooperation in radio communications. However, there is massive and systematic jamming of news broadcasts. Once this is eliminated, I am confident that we could reach general agreement on cooperation with regard to radio communications. This position was made clear in a note from the United States Government to the Soviet Union of December, 1953.¹

On other items to which the Western Delegations attach importance—items containing concrete proposals—such as the establishment of reading rooms in the respective capitals, the publication and distribution in each other's countries of official periodicals, and the public sale of books and magazines, the Soviet Delegation also refused to express agreement even in principle. These matters were consigned by the Soviet Delegation to possible bilateral discussions at a later date.

With respect to movement of people, significant progress is blocked by the Soviet failure to respond to the Western proposals for less travel restrictions on foreigners and more normal treatment of diplomatic missions.

The Committee of Experts agreed in general on the desirability of exchanges of persons and of delegations, but even here many differences exist regarding the procedures and principles under which such exchanges should be conducted.

Exchanges of persons with the Soviet Union of necessity assume a different character than with countries of the Free World. A travel abroad by Soviet citizens is carefully controlled by the Soviet Government and is undertaken only by carefully selected groups. Travel abroad, therefore, on the part of Soviet citizens is not such

cannot be made haphazardly or on short notice but require a degree of planning and arrangement.

The Experts' studies in the field of transport and trade have largely been frustrated by the negative attitude of the Soviet Union.

In the course of the Working Group meetings the Western nations advanced four positive proposals:

- (1) That the Soviet Union agree that bilateral negotiations toward the early establishment of direct air links between the Soviet Union and the Western nations, under normal conditions of transport agreements, should be undertaken as soon as possible.

- (2) That the Soviet Union take measures to alleviate the difficulties now encountered by Western businessmen in establishing adequate representation and in performing usual business and financial services within the Soviet Union;

- (3) That the Soviet Union accord more adequate protection to Western industrial property rights and copyrights, recognize the generally accepted right of priority to new patents and inventions, and make data available concerning Soviet patents;

- (4) That the Soviet Union make available production, price and trade data, comparable to such information now available to the Soviet Union from the Western countries.

Each of these modest proposals was designed to eliminate the obstacles now thwarting the exercise of Western initiative in the mutually beneficial development of peaceful East-West trade. But of these proposals was ignored or summarily dismissed by the Soviet representatives.

France, the United Kingdom and the United States made repeated requests that the Soviet Union indicate that it was not unwilling itself to make the effort necessary to attain a substantially increased volume of peaceful East-West trade. But the Soviet representatives gave no positive response. Yet unless goods are made available to the Soviet Union and unless the Soviet Union takes concrete steps to open its market, unilateral willingness to trade on the part of the Western countries cannot convert itself into two-way trade.

In place of the positive response concerning peaceful trade which the United States had reason under the Heads of Government Directive¹ to expect from the Soviet Union, the Soviet representatives of the Experts' Committee confined their approach to an open-ended attack upon the Western system of security controls over international trade. In place of a relatively small range of strategic commodities, they precisely to avoid disputes and recriminations over the matter, and to direct attention to the vast problems of economic relations between East and West, that the Directive from the Heads of Government speaks of "peaceful" trade.

It was precisely to avoid wasting time over such distractions that the substance of our assignment that President Pinay, Mr

and I, in our opening remarks ¹ on Item III, before constituting the Experts' Committee, took the pains to point out that the strategic trade controls are a matter of security—are a consequence, not a cause of tensions—and are outside the purview of Item III.

Soviet officials conduct a strong propaganda outside their own country about their desire for trade and the alleged denial to them of trade opportunity. Yet the only restrictions which exist are those on strategic goods related to war purposes touching only a very small percentage of normal international commerce. Actually, the Soviet officials speak differently at home. There they explain to their own people that the countries of the Soviet bloc must pursue an autarchic policy of self-sufficiency. Earlier this year Mr. Molotov, speaking before the Supreme Soviet, called attention to the existence of two parallel world markets, which he said were opposed to each other.

We had hoped for a change in policy but thus far we have hoped in vain. The discussions of the Experts concerning measures to expand peaceful trade have produced no basis of agreement for the simple and now unmistakably evident reason that the Soviet Union remains basically opposed to developing a high level of trade between East and West.

The fact is that the economic policies pursued by the Soviet Union and directed toward insuring the greatest degree of self-sufficiency leave for export no important stocks of consumer and other goods which normally enter into international trade. This consequence of Soviet economic policy, and not the small percentage of goods covered by strategic controls, has been and remains the chief limitation on any important development of trade with the Soviet Union.

The Soviet Union apparently at the present time does, however, have large stockpiles of discarded arms resulting from the production of new models for the Soviets' own use. It would be a matter of utmost concern to the other nations of the world if the Soviet bloc should try to meet its large import needs and serve its other aims, by exporting these surplus arms throughout the world. This is indeed something very different from the "peaceful trade between peoples" which the Heads of Governments said we should seek to develop.

As a result of my review of the work of the Experts, it seems clear that the Soviet Union is not at present disposed to take those important steps which lie within its power to promote the free circulation of information and ideas and to facilitate trade in peaceful goods.

The lack of progress on Item III should not, I suppose, come as a surprise. It is confirmation of the fact that the Soviet bloc system is based upon artificial conditions which cannot withstand free contact

Russian people knowledge of the immense quantity and supply of goods which are produced by societies where labor is free.

We do not believe that peace will have a solid foundation unless it comes about free communications and peaceful trade between the Soviet bloc and the free Western peoples.

We cannot expect this to happen all at once. Indeed, our policy calls for a "progressive elimination of barriers." It does not call for that barriers should be pulled down all at once. We have made our proposals were modest and we greatly regret that virtually none of them has been accepted.

It would, of course, be possible for us to say that we have in a general way reaffirmed the desirability of increased contact. But merely to reaffirm is not our task. It is our task to formulate measures which could realize the principles which our Heads of Government set forth. Therefore for us merely to reaffirm in general would only gloss over our lack of common accord on the specific questions we have been asked to consider.

Therefore, it appears far preferable to state frankly that what has been achieved here to eliminate barriers and that basic impediments to freer contacts between East and West still exist and that we are far from achieving in practice the objectives set forth in the Declaration from the Heads of Government.

This is a disappointing conclusion, but the future is apt to be brighter if we face up now to what are the indisputable facts.

Nevertheless, we need not be disheartened. Since the Summit Conference last July some progress has been made. Some barriers have in fact been lowered. We believe that the process thus begun will not easily be reversed. Perhaps it will proceed more surely as a continuing living process than by dependence upon negotiation. The United States does not intend to slacken its efforts to make commerce freer and more free and thus to end a situation that is dangerous to peace as it sets off one great part of the world as against another.

I have often expressed the friendship of the American people for the Russian people. Our countries have never been at war and our people have never fought each other. And we do not believe that we could ever be brought to fight each other if only we knew the truth. The great danger comes from the carrying on year after year of a persistent campaign which distorts the mind of the Russian people.

That is the danger which the Heads of our Governments are trying to avert. I believe that the talks which have occurred and which though they have not resulted in any substantial agreements may help us in the future to find the way to make our peace

46. STATEMENT BY THE SECRETARY OF STATE, NOVEMBER 15, 1955 ¹

Yesterday, the French Delegation submitted a proposal² which, at the study, the United States was ready to accept had it been accepted by the Soviet Delegation. Apparently, however, that French proposal is now rejected by the Soviet Delegation. The Soviet Delegation has now submitted a proposed draft statement by the Four Powers which I have studied during the brief recess we have had. I regret to be forced to the conclusion that this present Soviet proposal does not adequately meet the Directive under which we are acting, primarily that it contains nothing, or practically nothing, designed to permit of an exchange of ideas and of information.

It will be recalled that President Eisenhower in his statement on July 22 on this topic put first of all the importance, as he put it, and I quote: "First to lower the barriers which now impede the interchange of information and ideas between peoples."⁴ The Soviet proposal does not seem to make any effort at all to meet the views of the Western powers with respect to the importance of free communication in the realm of information and ideas.

In view of the rejection by the Soviet Union of the French proposal, we have compared the present Soviet proposal with that which the three Western powers introduced on October 31st through the medium of the French Delegation:⁵

Item 1 of that proposal contemplated a freer exchange of information and ideas and a progressive elimination of censorship. That is rejected.

Item 2 proposed to have information centers on a basis of reciprocity which the people could freely use. That is rejected.

Item 3 proposed to permit the publication and facilitate the distribution of official periodicals. That is rejected.

Item 4 dealt with exchange of books. It is accepted insofar as it relates to the exchange. But the vital part, which dealt with making these books available for public sale, is rejected.

Item 5, with reference to the exchange of government publications and full lists, catalogues, and indices, also seems to be rejected.

Item 6, dealing with exchange of films at normal commercial prices and on normal terms, seems to be rejected subject to the possibility that there might hereafter be an agreement on this topic.

Item 8, dealing with the reduction of jamming of news and information broadcasts, is rejected.

Item 9, with reference to exchanging uncensored broadcasts, appears

Item 10, dealing with the elimination of the censorship of press dispatches and access by journalists to normal information, is rejected.

Item 11 relates to tourism. There is a reference in the to tourism, but the Soviet Union rejects any suggestion should, to facilitate this, be reasonable rates of currency.

Item 16, dealing with the restriction on the travel by the diplomatic missions on a basis of reciprocity, also is rejected.

Item 17, dealing with reciprocal exchanges of direct services[,] is rejected.

In other words, of our 17 concrete proposals only five are partially accepted. I emphasize that all of those which would free exchange of ideas, news, uncensored information are rejected. The Soviet Union seems to have picked out of the only four or five suggestions which it deems to its interest have rejected all the others, without any spirit of giving and with a complete omission of anything of substance in exchange of ideas.

I pointed out in my remarks yesterday that we consider this is not solidly based unless the peoples of the different countries have access to what other peoples believe and, I think, to peace upon the power of government to dictate what they think about each other is, in our opinion, a very dangerous thing. And because the Soviet paper would perpetuate what was a very great danger to peace and good understanding between and because it does not seem to us to comply with the Disarmament guides us, we do not find it acceptable.

47. BACKGROUND PAPER RELEASED TO THE THE DELEGATIONS OF THE UNITED STATES, UNITED KINGDOM, AND FRANCE, NOVEMBER 1950

1. The Foreign Ministers of the Four Powers instructed their experts to "study measures, including those possible in the agencies of the United Nations, which could:—

- (a) bring about a progressive elimination of barriers which interfere with free communications and peaceful trade between peoples,

and

- (b) bring about such free communications and trade as

2 to November 10. They examined the proposals tabled by the French Foreign Minister on behalf of the Three Western Powers on October 31,¹ and the draft resolution tabled by the Soviet Foreign Minister on the same day.²

Elimination of Barriers

3. Unfortunately no significant progress was made. The Soviet delegation were unwilling to consider the progressive elimination of the barriers which interfere with free communications and peaceful trade.

4. The only barriers the Soviet delegation were prepared to discuss were the Western controls on the export of strategic goods and alleged interference with the freedom of navigation of Soviet vessels in the China Seas. The Western delegations reiterated that the controls exercised by the Western countries on exports of certain strategic goods are maintained for their own security. The fact that these controls are not negotiable was clearly and deliberately recognized in Item III of the Directive which covers only "peaceful" trade. The Western delegations showed that the situation in the China Sea was irrelevant since the specific matters complained of by the Soviet delegation either were outside the responsibility of any of the three Western Powers or, as in the case of the refusal to provide fuel to vessels carrying strategic goods to Communist China, followed from the United Nations Resolution of May 18, 1951.³

5. The barriers to the free movement of persons and to the free communication of ideas and information, which the Western delegation wished to see removed, were listed among the 17 points contained in the Western proposals of October 31. The chief barriers are:

- censorship,
- jamming,
- the artificial rate of exchange of the rouble,
- restrictions on foreign journalists,
- restrictions on diplomatic missions.

6. The Soviet Delegation showed no readiness to consider the Western proposals on these matters, which they declared to be of purely domestic concern to the Soviet Union, or matters which should be discussed bilaterally but not at the Four Power Conference. Sometimes they argued, in spite of evidence to the contrary, that Soviet actions were justified by Western actions; for example, that jamming was justified by the content of Western broadcasts. The Western Powers replied that systematic jamming had no relation to content and that no progress could be made towards cooperation in broadcasting until systematic jamming ceased.

advantage of their countries and peoples. To none of them did they receive a satisfactory reply. This was particularly with all proposals which would result in more individual trade. The Soviet Delegation suggested that certain of the Western proposals should be the subject of bilateral negotiations; but they did not receive express approval, even in principle, of the most important proposal proposed.

8. In putting forward their proposals, the Western Delegation took into account the contribution which could be made by the Governments and agencies of the United Nations in putting into effect the measures envisaged.

9. To the Western proposal for agreement in principle on the establishment of direct air links between the Soviet Union and Western nations, the Soviet delegation returned a negative reply.

10. The Soviet Delegation suggested that the text of the draft resolution¹ might serve as a basis for general agreement. III. The Western delegations pointed out that those proposals which could be considered to fall within the terms of the Directive consisted of generalised statements of good intention which require the four Governments to extend only the good offices which are already a characteristic feature of existing commercial relations between the Soviet and Western peoples. The Western Delegation welcomed such exchanges, but cannot regard them as fulfilment of the instruction in the Directive.

Development of Peaceful Trade

11. The Western delegations demonstrated that the strict controls cover only a small part of the trade field, and that freely available to the Soviet Union a wide area of peaceful trade, which, however, her monopoly buying and selling organs can obtain only meagre advantage. The wide opportunities for trade freely available by the West compare very favourably with the restrictions over all aspects of foreign trade which is still exercised by the Soviet Union. The prime requirement for any worthwhile development of peaceful East/West trade must be the discarding of the policy of self-sufficiency which the Soviet Union has applied since 1945.

12. Nevertheless, the Western Powers offered to consider favourably any proposals which the Soviet delegation might put forward as being likely to lead to a mutually beneficial development of peaceful trade. This offer elicited no positive response. The Soviet Delegation put forward a number of specific proposals for the development of peaceful trade.

statistics and trade data as is the case in Western countries. None of these specific proposals elicited any positive response from the Soviet delegation.

48. STATEMENT BY THE SECRETARY OF STATE, NOVEMBER 16, 1955¹

We must all feel the seriousness of this moment as our Conference draws to an end.

We came here carrying a heavy responsibility. Last July the Heads of our Governments met and agreed to make a new effort to solve some of the stubborn problems which have long defied solution—the problem of Germany, the problem of disarmament and the problem of breaking down the barriers which separate the Soviet bloc from the free world. They gave to us, the Foreign Ministers, the task of attempting to translate their purposes into concrete realities.

The United States undertook, with the utmost seriousness, its share of the common task. We dedicated immense effort to preparation for this Conference. I know that the Governments of France, and the United Kingdom, and so far as it was concerned, the Federal Republic of Germany also made similar efforts. All this involved work of unprecedented intensity between the close of the July Conference of Heads of Government and the opening in October of this Conference of Foreign Ministers.

We brought here the results of that preparatory work and we have presented them, not as rigid positions but as bases for negotiation. There is, however, little agreement to record, as our communiqué makes plain.

I.

The first item of our Agenda involved the problem of European security and Germany. The three Western Powers came forward with proposals both for European security and for the reunification of Germany²—two problems which the four Heads of Government agreed were closely linked. Our proposals for European security involved a great effort to give the Soviet Union assurance that its security would not be impaired if Germany should be reunified. Special safeguards were proposed to reassure the Soviet Union if reunified Germany, in the exercise of its inherent right of collective self-defense should elect to associate itself with the North Atlantic Treaty⁴ and the Brussels Treaty⁵ Organizations.

The merit of our security proposals is demonstrated by the fact that

the Soviet Union seemed to find in them much with. It has been made apparent that security is not the why the Soviet Union does not agree to the reunification. That is an important demonstration, and it may be in the future.

However, the indispensable premise of our security is the reunification of Germany, without which we feel no solid peace in Europe. And the Soviet Union made no move to meet this point or to comply with that portio tive which called for the reunification of Germany by free elections. The Soviet Delegation refused to discuss the provision for reunification proposal and it never submitted a reunification proposal of its own. It pointed to alleged obstacles to German reunification: the existence of NATO and Western European Union. The Soviet Union said that it would permit the reunification of Germany if the alleged obstacles were done away with. Rather, it took the position that it would not permit the so-called German Democratic Republic regime which the Soviet Government has installed in East Germany, to be subjected to the test of free elections.

The Soviet refusal even to contemplate free elections in East Germany has a significance which goes far beyond the question of Germany. It highlights, as no words could, the situation in Eastern Europe. If the so-called German Democratic Republic does not stand the test of the people's choice, no more can the other peoples of Eastern Europe. This is a major item on our Agenda because the Soviet Government had refused to do so there. But we were all conscious of the fact that Soviet security with its problems in Eastern Europe weighed heavily on the Geneva Conference.

Last July, Chairman Bulganin agreed that there was a connection between German reunification and European security. The Great Powers had a responsibility for the reunification of Germany. If Germany should be reunified by free elections. The Government of the United States will find it hard to understand in the light of this, Chairman Bulganin sent to this Foreign Ministers Conference a Delegation which was apparently under orders to discuss seriously the matter of German reunification.

Conditions in Eastern Europe may be such that the Soviet Union feels that it cannot now agree to free elections in any form, not only because that would have a contagious effect. But we think it is probable that this was not foreseen by the Soviet Government. It was agreed at the highest level and under the most solemn assurances that Germany should be reunified by free elections.

gether through the Subcommittee of the United Nations Disarmament Commission to develop an acceptable system for disarmament. The Foreign Ministers here were given what might be called a watching and supporting role.

Nevertheless, I believe that our discussions on disarmament have been useful. I hope they have led the Soviet Delegation to realize the sincerity of United States purpose. We have made it clear that we are determined to seek reduction of armament, but we want reduction that can be checked and controlled, so that it will not be one-sided. President Eisenhower's proposal for exchange of blueprints and aerial inspection¹ was presented as a start toward that goal.

The Soviet Union has suggested the giving of pledges not to wage an atomic war.² We pointed out that the four of us here, and indeed most of the nations of the world, are already pledged not to wage any war in violation of the Charter of the United Nations.

The great weight of world opinion and the potency of moral judgment should be directed against the initiation of *any* war, and not merely wars with particular weapons. Any war is horrible. And any government which defied world opinion by going to war in violation of its previous solemn pledges could not be relied upon to keep its new pledge not to use atomic weapons.

Therefore, in the case of atomic as of other weapons, the primary task is to find means of supervision and control. Pledges alone are not enough.

We believe that the Western point of view in these respects is now better understood and that the representatives of the four of us, with Canada, on the Subcommittee of the United Nations Disarmament Commission will accordingly now be able more effectively to carry on their work. The agreement of the four Heads of Government to work through that Subcommittee is, of course, unchanged by anything we have done here.

III.

Item III of our Agenda dealt with the Development of Contacts. Here again, there is no agreement to record. It is apparent that there has been little change in the sensitiveness of the Soviet Government to the introduction into the Soviet Union of any ideas which conflict with the official ideology.

The free democracies believe that human beings were given minds with which to think, and consciences with which to judge right and wrong, and that human dignity requires freedom of thought and freedom of conscience. We also believe that the peoples of the world are essentially a single family, the members of which are naturally

riers which interfere with free communications shall be only gradually and not abruptly. Recognizing this, we modest proposals which we believed the Soviet Government accept. However, no concrete proposal made by the West for the elimination of barriers to the free exchange of information between our peoples was acceptable to the Soviet Union. The Soviet Union was primarily interested in contacts which enable it to obtain valuable technological information or to obtain strategic goods rather than the commodities trade which our Directive specifies.

The talks here of our experts have for the first time brought new vistas into the realm of practical discussion. No agreement have been reached, but I think that the efforts made will

I expect that each of our Governments will act in these terms of particular items, and in terms of its judgment as to whether to reduce barriers is in its national interest. But one element of decision is bound to be the eagerness of people to know each other and to learn of new ideas.

Since the July Summit Conference certain barriers to communication have, in fact, been eliminated. The process now seems most sure to go on. It may proceed only slowly and unevenly. The process now started is, we believe, not easily reversed.

Conclusion

International conferences rarely produce as much as we hope from them. We should not complain that hopes are high. The existence of those hopes inspires us to do our best. Having lived through more conferences than are the lot of most human beings, I have learned not to be readily discouraged.

I recall that the three Western Powers took the initiative which led to the Heads of Government Conference. They presented their note to the Soviet Union of May 10, 1955, "We recognize that the solution of these problems will take time and patience. The solution will not be solved at a single meeting nor in a hasty manner."

And I recall that President Eisenhower on his return from the July Summit Conference said that he was "profoundly impressed by the need for all of us to avoid discouragement merely because our proposals, our own approaches, and our own beliefs are not immediately accepted by the other side".²

This Conference has had its merits. We have talked and we have in the main discussed seriously and without vituperation. The talks have not been wholly barren.

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could gain at the price of forfeiting the good relations at the Summit Conference, the Soviet rulers seemed to have decided.

On my return to the United States, I shall report to the President and the Congress on the basis of the day basis, and will evaluate its result against the background of the vast knowledge and abhorrence of war, and his dedication to a just and durable peace.

I am confident that our national policy will continue to serve the cause of human dignity, as represented by the cause of individuals to exchange ideas; the cause of human freedom represented by control of disarmament; and the cause of peace represented by the unification of Germany.

49. QUADRIPARTITE COMMUNIQUÉ, NOVEMBER 1955

In compliance with the Directive issued by the four Governments after their meeting in Geneva in July,² the President of the French Republic, the United Kingdom, the Soviet Union, and the Socialist Republics and the United States of America, from October 27 to November 16, 1955. They had a comprehensive discussion of the three items entrusted to them for discussion, namely: 1. European Security and Germany, 2. Disarmament, and 3. Development of Contacts between East and West.

The Foreign Ministers agreed to report the results of their discussions to their respective Heads of Government and to the future course of the discussions of the Foreign Ministers to be settled through diplomatic channels.

G. NEGOTIATIONS REGARDING A SETTLEMENT

50. STATEMENT BY THE DEPARTMENT OF STATE JANUARY 5, 1951³

U. S.—U. S. S. R. negotiations for a settlement of the Korean question.

Lease and that this Government's note of February 7, 1950, is in accordance with this agreement.

By "agreement" it is presumed that you have referred to the Government's notes of February 27, 1948, September 3, 1948, and August 8, 1949 which dealt with the disposition of lend-lease vessels.

With respect to the thirty-six war-built merchant vessels, the Government's note of February 27, 1948 stated:

The agreement of your Government concerning these vessels represents only one of the several points necessary to a satisfactory comprehensive settlement of the obligations under the agreement between our two Governments of June 11, 1942.

... Your attention is invited to the fact that at the first meeting of the Working Groups on May 3, 1947, United States Representatives stated that the object of the negotiations was to achieve a satisfactory comprehensive settlement, agreement reached on any particular subject was tentative and subject to agreement on all issues necessary to a general settlement. The Soviet Representatives indicated their concurrence. Accordingly, the first paragraph of the *Outline of Main Points of Settlement Proposed by the United States Government* with the above-mentioned understandings reached by the representatives of the two Governments on May 3, 1947 reads in part as follows: "As both Governments understood from the outset, the reaching of agreement upon a settlement is tentative and subject to the conclusion of a satisfactory comprehensive settlement."

With respect to pre-war-built merchant vessels and tugs, the Government's note of August 8, 1949 stated in part:

The Government of the United States considers this amount of cash payment satisfactory as the cash price for the sale of the vessels, effective as of August 2, 1945, it being understood that the sale will be consummated only upon the conclusion of the over-all Lend-Lease settlement. Agreement on this point is satisfactorily another of the several points of a comprehensive settlement. The Government of the United States will continue to reserve its rights under Article V of the Agreement of June 11, 1942, to require the return to the United States of the pre-war-built merchant vessels and the tugs as well as other articles until such time as a mutually satisfactory over-all settlement has been reached.

With respect to naval vessels, this Government's note of February 3, 1948 stated in part:

Provided a mutually satisfactory Lend-Lease settlement is reached, upon by our two Governments, the Government of the United States agrees to sell, at agreed prices, to sell to the Soviet Government as a part of such settlement in accordance with the surplus property procedures outlined to represent your Government on June 25, 1947, the following naval craft . . .

Moreover, on other occasions this Government has made it clear to the Soviet Government its position concerning the disposition of lend-lease vessels. In this Government's note of November 1949, which referred to the conditional nature of the agreement,

In this Government's note of September 3, 1948 in connection with the need for a prompt and satisfactory settlement, it was stated:

Therefore, notwithstanding certain offers which this Government has made in connection with its settlement proposals, unless a mutually satisfactory settlement is promptly agreed upon by our two Governments, this Government will have no alternative but to withdraw its offers to transfer full title to certain lend-lease articles to the Government of the Union of Soviet Socialist Republics and will be obliged to exercise its rights under Article V of the Agreement of June 11, 1942 by requiring the return of such articles to the United States. This is particularly applicable to all merchant and naval vessels. It applies also to military vessels and to certain other lend-lease articles which would be of use to the United States.

From the above it is clear that the agreement referred to in your note of March 21, 1951 consists of a series of tentative offers by the Government of the United States which have been explicitly conditioned upon the conclusion of a prompt and satisfactory lend-lease settlement. In the current conversations on the subject of a lend-lease settlement, Ambassador John C. Wiley has repeatedly called to your attention the fact that the Soviet Government by avoiding the reaching of a prompt and satisfactory over-all settlement clearly has failed to meet the conditions for the sale of any of these vessels. Therefore, this Government is free to withdraw its conditional offer to sell such vessels and this was done in this Government's note of February 7, 1951.¹

Your note of March 21, 1951 advances as a second reason for not returning lend-lease vessels the argument that the vessels are not needed by the United States. Article V of the Master Lend-Lease Agreement of June 11, 1942 is clear and specific on this point, reading as follows:

The Government of the Union of Soviet Socialist Republics will return to the United States of America at the end of the present emergency, as determined by the President of the United States of America, such defense articles transferred under this agreement as shall not have been destroyed, lost or consumed and as shall be determined by the President to be useful in the defense of the United States of America or of the Western Hemisphere or to be otherwise of use to the United States of America.

This article places upon the President of the United States alone the responsibility for the determination of the usefulness of lend-lease articles to the United States. The point raised in your note of March 21, 1951 that certain vessels of the United States may have been disposed of to third countries bears no relationship to the obligations of your Government under Article V and is not subject to discussion between our two Governments.

On July 7, 1948 the President of the United States of America

demand. The Soviet Government has returned only one tug and one icebreaker. On February 7, 1951 the Government of the Union of Soviet Socialist Republics was informed that the Government of the United States of America had determined that all military and naval lend-lease vessels remaining in Soviet custody be returned to the United States and the prompt return of these vessels is being duly demanded. Therefore, the obligation of the Soviet Government to return the vessels listed in this Government's note of January 1, 1951 is clear and unequivocal.

With reference to the statement in your note of March 1, 1951 that United States naval vessels in Soviet custody are "in poor condition and for the most part unfit for navigation in the Arctic," I wish to emphasize that title to these vessels remains in the hands of the Government of the United States regardless of their condition. I repeat the request made in this Government's note of January 1, 1951 that representatives of the Government of the Union of Soviet Socialist Republics be permitted to examine all unserviceable vessels in order to determine their ultimate disposition.

The demand presented in this Government's note of January 1, 1951, that the Government of the Union of Soviet Socialist Republics immediately return to the Government of the United States all military, naval and merchant vessels as well as military watercraft transferred to it under the Master Lend-Lease Agreement of August 1, 1942 is hereby reiterated.

A prompt reply is requested in order that the necessary arrangements for return may be promptly agreed upon with the Soviet Government now in Washington.

53. NOTE FROM THE SECRETARY OF STATE TO THE AMBASSADOR AT WASHINGTON,¹ APRIL 27, 1951

EXCELLENCY: I have the honor to refer to the negotiations between our two Governments for a settlement of the obligations of the Government of the Union of Soviet Socialist Republics under the Lend-Lease Agreement of June 11, 1942, and specific questions of compensation for lend-lease articles not lost, damaged or consumed during the war and the terms and conditions under which such articles may be retained by the Soviet Government. The Government of the United States has upon several occasions demanded the return under Article V of the Master Lend-Lease Agreement of all lend-lease ships and watercraft, particularly in its notes of February 7 and April 6, 1951.³ The question of

States, however, has been that the terms of any settlement would reserve the right of the Government of the United States, as set forth in Article V of the Master Lend-Lease Agreement, to the return to the United States by the Soviet Government of such "military-type" articles and would maintain the obligation of the Soviet Government as stipulated in Article III of the Master Lend-Lease Agreement, to obtain the prior consent of the Government of the United States before retransfer of such articles to third parties. The position of the Government of the United States in this matter is in keeping with the settlements already concluded with other Lend-Lease countries having Master Lend-Lease agreements similar to that with the Soviet Government.

The Government of the United States also has requested no payment for "civilian-type" articles lost, destroyed, or consumed during the war. The Government of the United States has requested payment only for those "civilian-type" articles which remained in Soviet custody at the war's end and has offered to transfer title to such articles in consideration of payment of a mutually satisfactory sum on terms agreed by our two Governments. These "civilian-type" articles consist of lend-lease supplies having a peacetime value to the Soviet economy and remaining under the control of the Soviet Government on September 2, 1945, or subsequently received by it with the exception of ships, "military-type" articles as stated above, and certain lend-lease articles title to which had been transferred to the Soviet Government under the Agreements of May 30, 1945 and October 1, 1945.¹

In order to provide a basis for determination of the fair value of "civilian-type" articles remaining in Soviet custody at the war's end, the Government of the United States carefully compiled from its own records a detailed estimated inventory of such articles. In preparing this inventory most liberal allowances were made for wartime losses. The value of this inventory at landed cost less most liberal allowances for depreciation amounted to a total of \$2.6 billion. The Government of the United States, in an effort to arrive at a mutually satisfactory sum representing the fair value of these articles to the Soviet peacetime economy, initially proposed the sum of \$1 billion repayable in thirty annual installments beginning five years after July 1, 1946, with interest at 2 percent per annum accruing from July 1, 1946 and payable annually thereafter. Subsequently, in a further effort to speed the negotiations to a mutually satisfactory conclusion, the Government of the United States expressed its willingness to accept still lesser sums, first by proposing the amount of \$

settlement, in the first place, must take into account the contribution to the victory against the common enemy, must conform with other existing lend-lease settlements. The Government, however, has cited only the settlement with the British Government.

With regard to the first principle put forward by the Soviet Government, the Government of the United States believes that full recognition to the Soviet contribution to the defeat of the enemy by writing off completely the entire lend-lease contribution of the United States to the Soviet war effort and asking for those "civilian-type" articles remaining in the Soviet Union at the war's end. It is to be noted that total lend-lease supplies provided by the United States to the Soviet Union during the war amounted to approximately \$10.8 billion and represented the contribution of the skills, labor and resources of the United States to assist the peoples of the Soviet Union in the defeat of the Axis nations. It is also to be noted that the amount of compensation proposed by the Government of the United States is \$10 billion. From these facts it may be clearly seen that the Government of the United States has asked no payment for war-time lend-lease totaling approximately \$10 billion. This represents, in the opinion of the Government of the United States, great recognition of the community of interest of our two Governments in the achievement of a common victory and takes full cognizance of the part played by the Soviet Government in this effort.

With regard to the Soviet contention that a lend-lease settlement must conform to "precedents", specifically the settlement with the British Government, the Government of the United States invited the attention of the Soviet Government to the fact that the Government of the United States has never agreed to a favored-nation treatment in connection with any lend-lease settlement. Nevertheless, the Government of the United States has sought to reach a lend-lease settlement with the Soviet Government on the basis of the same principles which were used in the settlement with the British Government. In accordance with these principles the British Government was not asked to pay for articles lost, destroyed or consumed in the war; nor was it asked for "military-type" articles remaining in the United Kingdom at the end of the war. Payment was requested only for the "civilian-type" articles remaining in the United Kingdom at the end. The Soviet Government, however, has repeatedly and categorically refused to reach a settlement on the basis of the same principles. It will be recalled in this connection that the Soviet Government

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The Soviet Government has thus refused to accept the principles on which it insists and upon which the settlement with the Soviet Government was based. The Government of the United States therefore, reject the contention of the Soviet Government that its offer fully conforms to the British settlement.

The Soviet Government, on the basis of its own principles, offered to pay to the Government of the United States a sum first in the amount of \$170 million, later increased to \$200 million and more recently has made an offer of \$240 million stated by its representatives to be "final". The Soviet Government proposes that payment of this sum should be made over a period of 50 years at interest at 2 percent per annum, but with payment of the principal beginning five years after the conclusion of the war. The Government of the United States considers the amount of the offer of the Soviet Government to be inadequate and unacceptable.

In these circumstances the Government of the United States wishes to point out that four years of direct negotiations between our two Governments have yielded little progress toward a settlement of this question. Therefore, in order to achieve a solution satisfactory to both Governments, the Government of the United States proposes that there be established an arbitral panel consisting of three members, one each to be appointed by the Government of the United States and of the Union of Soviet Socialist Republics and a third member to be appointed by the President of the International Court of Justice, the question of whether the offer be fair and reasonable terms of financial settlement by the Soviet Government for the lend-lease articles having civilian utility, ships, which were not lost, destroyed or consumed during the war, which are not returned to the United States.

The Government of the United States expresses its hope that the Government of the Union of Soviet Socialist Republics will treat the decision of such an arbitral panel on this question as binding upon both Governments and will accept this proposal as a means of reaching final agreement on this issue.¹

54. NOTE FROM THE SECRETARY OF STATE TO THE AMBASSADOR AT WASHINGTON,² JANUARY 7,

EXCELLENCY: I have the honor to refer to your Government's Note No. 71 of August 21, 1951⁴ concerning the request of the Government of the United States that the Soviet Government return to the United States lend-lease articles having civilian utility.

Lease Agreement of June 11, 1942.¹ I also have the to your Government's note No. 73 of August 28, 1951, the proposal of the Government of the United States that of the determination of a fair and reasonable lend-lease settlement be submitted to arbitration.

In the latter note your Government rejects the proposal of the Government of the United States that the question of financial settlement be submitted to arbitration. A verbal proposal of \$300 million was made by the Soviet Government on August 24, 1951. It was indicated at that time that the Government of the United States considers this amount as fair and reasonable compensation for lend-lease articles of the type which remained in Soviet custody at the end of the war. Moreover, in your note of August 21, 1951, your Government indicates that it does not intend to meet its obligation to return lend-lease vessels as requested by the President of the United States. Instead your Government continues to evade this obligation. This is clearly and specifically stated in Article V of the Lend-Lease Agreement of June 11, 1942, to return lend-lease articles as requested by the President of the United States. In attempting to evade this obligation your Government refers to "understandings" relating to the sale of some of the vessels.

These so-called "understandings," however, were made long ago by the Government of the United States which conditioned upon the prompt conclusion of a mutual lend-lease over-all lend-lease settlement. This condition was never accepted by the Soviet Government. Therefore, the Government of the United States, acting within its legal rights and in full accord with the Lend-Lease Agreement of June 11, 1942, informed the Soviet Government on January 27, 1951,² that the lend-lease vessels which were loaned to the Soviet Government under lend-lease procedures and remain the property of the Government of the United States, are of use to the Government of the United States, and, at the same time, the return of these vessels to the United States was requested in accordance with Article V of the Lend-Lease Agreement of June 11, 1942. Moreover, on the same date the Government of the Soviet Government were informed that the previous offers by the Government of the United States to sell the lend-lease vessels had long since lapsed and that none of the vessels was available for sale to the Soviet Government. On February 1, 1951, the Government of the United States confirmed in a note to the Soviet Government for the return of all the lend-lease vessels.

¹ Executive Agreement Series 253; 56 Stat. 1500.

² Department of State *Bulletin*, Jan. 21, 1952, pp. 88-89.

³ See *supra*, doc. 51.

It is to be noted that on October 12, 1948, the Government of the United States demanded the return to the United States of 186 naval craft in addition to 3 icebreakers and 28 frigates.¹ These 186 vessels at no time had been offered for sale to the Soviet Government on an equal basis. Even in this instance the Soviet Government has refused to meet its obligation.

It is the view of the Government of the United States that the return of all lend-lease vessels is essential to the conclusion of a satisfactory over-all lend-lease settlement. It is also the view of this Government that the Soviet Government is clearly in default on its obligations by not returning these vessels to the United States.

If the Soviet Government remains unwilling to return these vessels to the United States, the Government of the United States suggests that the question be resolved by submission of the matter to the International Court of Justice for adjudication. For that purpose, the Government of the United States proposes that the Soviet Government join with it in submitting the following question to the Court with the understanding that both Governments will be governed by the Court's decision.

Does the failure of the Soviet Government to return lend-lease vessels to the United States, as requested by the Government of the United States, constitute default by the Soviet Government in its obligation under Article V of the Lend-Lease Agreement of June 11, 1942, to return lend-lease articles when so requested?

The Government of the United States therefore requests that the Soviet Government immediately make the necessary arrangements for the return of the lend-lease vessels as requested or agree to the submission of the question of the vessels as stated above to the International Court of Justice for adjudication.

Accept, Excellency, the renewed assurances of my highest consideration.

¹ In a note not printed.

TABLE I.—*Information on merchant vessels transferred to the U.S.S.R. under lend-lease*

	Trans-ferred	Value ¹	Re-turned prior to VJ-day	Value ¹	Lost prior to VJ-day	Value ¹	In Soviet custody on VJ-day	Value ¹	Re-turned subsequent to VJ-day	Value ¹	Pres-ently in Soviet custody	Value ¹
dry	38	65, 686	1	1, 729	1	1, 729	36	62, 229	0		36	62, 229
"	3	5, 186	0	"	0	"	3	5, 186	3	5, 186	0	"
"	5	16, 000	0	"	0	"	5	16, 000	2	16, 000	0	"
"	2	1, 235	0	"	0	"	2	1, 235	0	"	2	1, 235
"	60	28, 728	10	5, 329	2	1, 915	48	21, 983	3	500	47	21, 483
go	12	8, 946	10	7, 295	1	788	1	863	0	"	1	863
"	1	140	0	"	0	"	1	140	0	"	1	140
"	121	125, 921	21	14, 353	4	4, 432	96	107, 636	9	21, 686	87	85, 940

ent at time of acquisition (\$000).
salvaged and returned to the United States.

ces and transferred to Italy from which country originally seized by the United States in World War II.

Bulletin, June 2, 1952, pp. 880-881. These tables were sent to Sen. William F. Knowland of California in 1952, from the Department of State in reply to the Senator's letter of Apr. 10, 1952, in which he had asked for a list of vessels loaned by the United States to the Soviet Union under the Lend-Lease Act. The Department's intention of the Department to continue to press vigorously for the return from the U.S.S.R. of all lend-lease assets of the letters of Apr. 10 and 24, 1952, see *ibid.*, pp. 879-880. The footnotes to the two tables appear in

TABLE II.—*Information on Naval and Army watercraft transferred to the U.S.S. under lend-lease*

	Trans- ferred	Value ¹	Returned	Value ¹
NAVAL VESSELS				
Icebreakers.	3	19,203	3	19,203
Frigates	28	11,115	² 27	11,115
Large minesweepers	34	72,511	0	. . . . .
Minesweepers.	43	34,152	0	. . . . .
Large sub chasers	78	35,088	0	. . . . .
Small sub chasers	62	7,418	0	. . . . .
Torpedo boats	205	53,807	0	. . . . .
Landing craft:				
Infantry	30	12,360	0	. . . . .
Tank	17	2,765	0	. . . . .
Vehicle.	2	21	0	. . . . .
Support	2	34	0	. . . . .
Mechanized	54	1,700	0	. . . . .
Floating repair ships.	4	2,504	0	. . . . .
River tugs	15	19,000	0	. . . . .
Pontoon barges	6	719	0	. . . . .
Motor launch.	1	11	0	. . . . .
Plane personnel boat.	1	3	0	. . . . .
Total	585	272,411	30	30,315
	Trans- ferred	Value ³	Returned	Value ³
ARMY WATERCRAFT				
Tankers	9	5,520	0	. . . . .
Freight vessel.	1	767	0	. . . . .
Machine shop barges	2	412	0	. . . . .
Crane barges	17	3,057	0	. . . . .
Total	29	9,756	0	. . . . .

¹ Lend-lease invoice value (\$000).² 1 certified as lost.³ Cost to the U. S. Government at point of transfer (\$000).

56. NOTE FROM THE ACTING SECRETARY OF STATE¹ TO
THE SOVIET AMBASSADOR AT WASHINGTON,² NOVEMBER
5, 1952³

EXCELLENCY: I have the honor to refer to Mr. Karavaev's note No. 44 of June 16, 1952⁴ concerning the negotiations for a settlement of the obligations of the Government of the Union of Soviet Socialist Republics under the Master Lend-Lease Agreement of June 11, 1942.

In his note of June 16, 1952, Mr. Karavaev expressed the readiness of the Soviet Government to return to the United States 186 naval craft, the return of which the Government of the United States initially requested in its note of September 3, 1948,⁵ and has repeatedly requested since that time. On June 18, 1952, United States lend-lease representatives in a meeting with the Soviet lend-lease delegation proposed the immediate establishment of a working group to arrange the details of the return of these vessels. The Soviet delegation, however, was unwilling to agree to the establishment of such a working group or otherwise to arrange for the return of the vessels. Thus the Soviet Government, although formally professing its readiness to return these vessels, has not been prepared to take concrete action for this purpose. If it is in fact the intention of the Soviet Government to return these vessels, the Government of the United States desires that it be informed, without further delay, of the dates and ports of return, or alternatively of the date when Soviet representatives will be available to work out with representatives of the Government of the United States the details for the return of the vessels.

Mr. Karavaev's note also reiterates the desire of the Soviet Government to purchase lend-lease merchant vessels and certain of the lend-lease naval craft now in its custody. The Government of the United States had made its position with respect to lend-lease vessels clear in its notes of April 6, 1951⁶ and January 7, 1952⁷ and in meetings of the lend-lease delegations of our two Governments since January 1951. The offers of the Government of the United States early in the settlement negotiations to sell lend-lease merchant vessels and a number of lend-lease naval vessels were expressly conditioned upon the prompt conclusion of a satisfactory over-all lend-lease settlement. When it became unmistakably clear that the Soviet Government did not intend to conclude a settlement promptly, the Government of the United States in January 1951 withdrew these offers and requested the return of all lend-lease vessels.

That the Soviet Government has consistently avoided the con-

the negotiations. A particular example of the attitude of the Soviet Government toward the prompt conclusion of a settlement is its failure to return the 186 vessels which were requested by the Government of the United States over four years ago and were never offered for sale. This attitude is further exemplified by the refusal of the Soviet Government to resolve the question of a financial settlement through arbitration as proposed by the Government of the United States in its note of April 27, 1951¹ and also by the refusal of the Soviet Government to submit the question of the return of lend-lease vessels to the International Court of Justice for adjudication, as proposed by the Government of the United States in its note of January 7, 1952.

Since the Soviet Government has not only failed to return the vessels but also has refused to submit the matter to adjudication, the Government of the United States must conclude that it is the intention of the Soviet Government to remain in default of Article V of the Agreement of June 11, 1942.

As regards the question of a financial settlement which is also mentioned in Mr. Karavaev's note, the Government of the United States has offered to accept the sum of \$800 million which it considers fair and reasonable compensation for the vast quantities of civilian-type lend-lease articles remaining in Soviet custody at the end of hostilities. However, in the interests of achieving a settlement promptly, this Government offered to reduce further the amount requested provided a truly constructive offer was made by the Soviet side. The Government of the United States, in its note of January 7, 1952, has already stated that it considers the latest offer of the Soviet Government of \$300 million as far from fair and reasonable compensation for the residual lend-lease articles. Furthermore, the Government of the United States must take into account the fact that by not returning the 186 naval craft and other vessels requested, the Soviet Government is in clear default of the very agreement under which negotiations of a lend-lease settlement have been carried on since April 1947. It is the position of the Government of the United States, therefore, that when the Soviet Government has made arrangements to fulfill its obligations under Article V of the Lend-Lease Agreement of June 11, 1942, the Government of the United States in the interest of a settlement will be prepared to make further proposals concerning a financial settlement.

If it is the serious intention of the Soviet Government to advance the conclusion of a mutually satisfactory settlement agreement, it can do so by returning the lend-lease vessels promptly.

¹ *Supra*, doc. 53.

57. AIDE-MÉMOIRE FROM THE DEPARTMENT OF STATE TO THE SOVIET EMBASSY AT WASHINGTON, SEPTEMBER 11, 1953 ¹

On November 5, 1952 the Acting Secretary of State addressed a note² to His Excellency the Ambassador of the Government of the Union of Soviet Socialist Republics concerning the negotiations for settlement of the obligations of the Soviet Government under the Master Lend-Lease Agreement of June 11, 1942. In this note it was pointed out that although the Soviet Government had expressed its readiness to return to the United States 186 naval craft, the return of which the Government of the United States initially requested in its note of September 3, 1948³ and repeatedly requested thereafter, the Soviet Government had not been prepared to take any concrete action for this purpose. It was suggested that if it was in fact the intention of the Soviet Government to return those vessels, the Government of the United States should be informed without further delay of the dates and ports of return, or alternatively of the date when Soviet representatives would be available to work out with representatives of the Government of the United States the details for the return of the vessels.

The Acting Secretary's note also reiterated the position of the Government of the United States with respect to the other lend-lease vessels remaining in the custody of the Soviet Government. As had been made clear in the United States notes of April 6, 1951⁴ and January 7, 1952⁵ and in meetings of the lend-lease delegations of the two Governments since January 1951, the offers of the Government of the United States early in the settlement negotiations to sell lend-lease merchant vessels and a number of lend-lease naval craft were expressly conditioned upon the prompt conclusion of a satisfactory lend-lease settlement. When in January 1951 the Soviet Government had not arrived at a settlement of its lend-lease obligations the Government of the United States withdrew these offers and requested the return of all lend-lease vessels. Furthermore, it had become unmistakably clear from the history of the negotiations that the Soviet Government had consistently avoided the conclusion of a prompt settlement.

With respect to the question of a financial settlement the note of the Acting Secretary recalled that the Government of the United States had offered to accept the sum of \$800 million which it considered fair and reasonable compensation for the vast quantities of civilian-type lend-lease articles remaining in Soviet custody at the end of hostilities but that in the interest of achieving a settlement, the Government of the United States was willing to consider a financial settlement of

of \$300 million to be far from fair and reasonable compensation for the residual lend-lease articles and it was pointed out furthermore that the Government of the United States had to take into account the fact that by not returning the 186 naval craft and other vessels requested, the Soviet Government was in clear default of the very agreement under which negotiations have been carried on since April 1947. The note of the Acting Secretary of State affirmed that it is therefore the position of the Government of the United States that when the Soviet Government has made arrangements to fulfill its obligations under Article V of the Lend-Lease Agreement of June 11, 1942, the Government of the United States in the interest of a settlement, will be prepared to make further proposals concerning a financial settlement.

On March 20, 1953 a further note¹ was sent to the Embassy of the Union of Soviet Socialist Republics inquiring when a reply to the note of November 5, 1952 might be expected. No replies to either of these notes have been received by the Government of the United States.

As His Excellency is aware, more than six years have elapsed since the beginning on April 30, 1947 of the negotiations for a settlement of the obligations of the Soviet Government under the Lend-Lease Agreement of June 11, 1942. Accordingly, the Government of the United States requests that it be advised at an early date of the intentions of the Soviet Government with respect to the return of United States-owned lend-lease vessels as required under Article V of the Agreement of June 11, 1942.

**58. NOTE FROM THE UNDER SECRETARY OF STATE² TO
THE SOVIET AMBASSADOR AT WASHINGTON,³ NOVEMBER
BER 24, 1953⁴**

EXCELLENCY: I have the honor to refer to your note No. 13 of October 20, 1953⁵ concerning the negotiations for a settlement of the obligations of the Government of the Union of Soviet Socialist Republics under the Master Lend-Lease Agreement of June 11, 1942.

The Government of the United States notes that the Soviet Government has again stated that it is prepared to return the 186 naval craft initially requested by this Government on September 3, 1948.⁶ The Government of the United States also notes that the Soviet Government states it is now willing to discuss the technical arrangements for the transfer of these vessels to the United States. Accordingly, it is proposed that representatives of our two Governments meet

The Government of the United States would appreciate being advised at the earliest possible date whether the above date is acceptable to the Soviet Government.

Accept, Excellency, the renewed assurances of my high regard and consideration.

59. AIDE-MÉMOIRE FROM THE DEPARTMENT OF STATE TO THE SOVIET EMBASSY AT WASHINGTON, DECEMBER 15, 1953¹

In its note of November 5, 1952,² the Government of the United States pointed out that the Soviet Government, by its failure to return the 186 naval craft and other lend-lease vessels requested by the United States, was in default of the very agreement under which the lease negotiations have been carried on since April 1947. The Soviet Government was advised that it is therefore the position of the Government of the United States that when the Soviet Government makes the necessary arrangements to fulfill its obligations under Article V of the Lend-Lease Agreement of June 11, 1942, the Government of the United States in the interest of a settlement, will be prepared to consider any proposals concerning a financial settlement.

The Soviet Government in its note of October 20, 1952, stated that it has agreed to return the 186 naval craft and other vessels and that it is willing to discuss the technical arrangements for the return of these vessels to the United States. Accordingly, the Government of the United States proposed in its note of November 24, 1952³ that representatives of the two Governments meet on December 15, 1952, at the Department of State to work out the details for the return of the 186 naval craft to the United States. His Excellency, the Ambassador of the Union of Soviet Socialist Republics, replied by note of December 3,⁴ stating that the Soviet Government was in agreement with the proposal of the Government of the United States and that representatives of the two Governments meet on December 15, 1952.

From these exchanges of correspondence it was the understanding of the Government of the United States that working groups of representatives of the two Governments would meet on December 15 to work out the details for the return of the 186 naval craft to the United States. On December 14, His Excellency advised the Acting Secretary of State that the Soviet Government desired to deal simultaneously with all of the issues in the lend-lease negotiations including the return of the 186 naval craft to the United States. The Acting Secretary replied that the Government of the United States

Government that the meeting scheduled for December 15 should be cancelled.

The Government of the United States has carefully considered the position of the Soviet Government and has concluded that the various questions should be dealt with on a step-by-step basis. In reaching this conclusion, this Government has been guided by its belief that adherence to the terms of the Lend-Lease Agreement of June 11, 1942 can best contribute to the creation of the mutual understanding necessary to the negotiation of a final lend-lease settlement agreement.

With respect to the question of the 186 naval craft, the Government of the United States has taken into account the fact that the return of these craft was requested initially on September 3, 1948,¹ more than five years ago, and that at no time were these vessels offered for sale to the Soviet Government. Furthermore, Article V of the Lend-Lease Agreement of June 11, 1942 provides unconditionally that the Soviet Government shall return lend-lease articles to the United States when requested to do so by the President of the United States. Accordingly the return of lend-lease vessels requested by the President of the United States is not an issue for negotiation nor can it be made dependent upon the resolving of other questions in the lend-lease negotiations.

It is the position of this Government, therefore, that the first step should be the working out of detailed arrangements for the return of the 186 naval craft. In this connection, the United States working group previously designated for this purpose will be prepared to meet at the earliest convenience of the Soviet representatives. Following the working out of such arrangements the two Governments should be prepared to take up the remaining matters under the Lend-Lease Agreement.

60. STATEMENT BY THE DEPARTMENT OF STATE, MARCH 26, 1954 ²

Agreement was reached on March 26 with representatives of the Soviet Government on the dates and procedures for return to U. S. control of 38 small naval craft loaned to the Soviet Union under the World War II lend-lease program.³ The 38 craft, consisting of 1 motor torpedo boats and 26 submarine chasers, are to be returned at the port of Istanbul during the months of May and June 1954.

These craft are part of a group of 186 naval craft, the return of which the United States first requested on September 3, 1948. The Soviet Government agreed to return the 186 craft on October 2,

61. STATEMENT BY THE DEPARTMENT OF STATE DECEMBER 23, 1954 ¹

The Soviet Government has agreed on the dates and procedures for the return to U. S. control of 27 small naval craft loaned to the Soviet Union under lend-lease during World War II. These craft, consisting of 4 submarine chasers, 8 motor torpedo boats, 12 landing craft (infantry), are to be turned over to U. S. Navy representatives at the port of Maizuru, Japan, during the months of June and July 1955.

These craft are part of a group of 186 naval craft, the return of which the United States first requested on September 3, 1945. The Soviet Government agreed to return the 186 craft on October 1, 1945, and on December 28, 1953, representatives of the two Governments began to work out the necessary details for the return of the craft. In May and June 38 naval craft, consisting of 12 motor torpedo boats and 26 submarine chasers, were returned to U. S. Navy representatives at the port of Istanbul, Turkey.

Discussions are continuing on the ports, dates, and procedures for the return of the other 121 naval craft.

62. STATEMENT BY THE DEPARTMENT OF STATE MAY 27, 1955 ²

On May 26 representatives of the U. S. and Soviet Governments signed an agreement on the dates and procedures for the return to U. S. control of 62 small naval craft loaned to the Soviet Union under lend-lease during World War II.³ The 62 craft, consisting of 6 submarine chasers and 56 motor torpedo boats, are to be turned over to U. S. Navy representatives at the port of Kiel, Germany, during the months of July and August 1955.

These craft are part of a group of 186 naval craft, the return of which the United States first requested on September 3, 1945. The Soviet Government agreed to return the 186 craft on October 1, 1945. On December 28, 1953, representatives of the two Governments began to work out the necessary details for the return of the craft.

In May and June 1954, 38 naval craft, consisting of 12 motor torpedo boats and 26 submarine chasers, were returned to U. S. Navy control at the port of Istanbul, Turkey. Twenty-seven of these craft, consisting of 4 submarine chasers, 8 motor torpedo boats,

H. REPATRIATION OF GERMAN AND JAPANESE PRISONERS OF WAR

63. STATEMENT BY THE DEPARTMENT OF STATE, FEBRUARY 3, 1950 ¹

On the afternoon of February 1, 1950, the Soviet Ambassador handed a note² to the Secretary of State proposing the early appointment, in accordance with a Far Eastern Commission policy decision of April 3, 1946,³ of a special International Military Court to try as war criminals the Emperor of Japan and several former Japanese generals on charges of crimes against humanity.

The timing and content of the Soviet note—coming as it did 4 years after the surrender and many months after the war crime trials in Japan had been terminated—strongly suggest that the principal motivation of the note is to divert attention from Soviet failure to repatriate or otherwise explain the fate of over 370,000 Japanese prisoners detained in Soviet-held territory. Following repeated efforts by General MacArthur's headquarters to obtain information on the fate of these prisoners, the Secretary of State sent a note on December 30, 1949, to the Soviet Ambassador urging that his Government agree to the designation of an international humanitarian organization charged with making a complete survey of the situation.⁴ No reply, not even an acknowledgment, has been received to this note.

The minutes of the seventh meeting of the Far Eastern Commission on April 3, 1946, show that the Commission approved the policy decision referred to by the Soviet Ambassador with the express understanding that the directive to be forwarded to the Supreme Commander embodying the Far Eastern Commission decision should be so worded as to exempt the Japanese Emperor from indictment as a war criminal without direct authorization. Since the directive to the Supreme Commander was so worded, he can accordingly take no action against the Japanese Emperor without a new policy decision by the Far Eastern Commission.

These facts are known to the Soviet Government, which could have introduced a policy proposal in the Far Eastern Commission in accordance with normal procedure, along the lines of the recommendations contained in its note. That the Soviet Government did not elect to do so but made these belated charges in a sensational

**64. STATEMENT BY THE FOREIGN MINISTERS
UNITED STATES, THE UNITED KINGDOM, AND
MAY 13, 1950 ¹**

The three Foreign Ministers have noted with surprise and concern the Soviet statement of May 4 which declared that repatriation of German prisoners of war from the Soviet Union and many has now been completed.² They recall the repeated promises made by the three Western Occupation Powers to secure the Soviet Government's compliance with the quadripartite agreement to repatriate all German prisoners of war by December 31, 1946.

The Soviet statement stands in sharp contradiction with the fact that a very large number of German families are still awaiting the return of their relatives taken prisoner of whom they have no direct news during their captivity in the Soviet Union. The Ministers note furthermore the inconsistencies among the reports furnished at different times by the Soviet Government concerning the numbers, whereabouts and fate of German prisoners of war and deported civilians. This situation reveals a grave disregard for the rights of these people.

It is moreover apparent that this is not an isolated incident. The Soviet Government has also failed to repatriate numerous prisoners of war from German occupied countries taken prisoner during the war, as more than 300,000 Japanese nationals who still remain unrepatriated for in Soviet territory.

The Ministers have agreed that they will take all possible steps to obtain information bearing on the fate of prisoners of war and civilians not yet repatriated from the Soviet Union and to secure their repatriation in the largest possible number of cases.

**65. NOTE FROM THE DEPARTMENT OF STATE
SOVIET EMBASSY AT WASHINGTON, JUNE 8,**

The Department of State acknowledges the receipt of a note of May 11, 1950 ³ from the Embassy of the Union of Soviet Republics. The note calls attention to Circular No. 5 "On the Issue of War Criminals" issued by command of General Marshal Zhukov on March 7, 1950.⁴ It is alleged that the circular runs counter to the Charter of the International Military Tribunal for the Far East.

¹ Department of State *Bulletin*, June 19, 1950, p. 1018.

the decision of the Far Eastern Commission of April 3, 1946,¹ relating to the apprehension, trial and punishment of war criminals in the Far East. The Government of the United States is urged to take measures to have Circular No. 5 revoked.

Inasmuch as the matters referred to in the note are within the jurisdiction of the Far Eastern Commission, the request of the Soviet Government should have been addressed to the Commission. In this connection the attention of the Soviet Government is called to the minutes of the 193d meeting of the Fec, May 18, 1950² which contain a statement of the views of the United States on the parole of Japanese war criminals. Nevertheless, as the position of the Soviet Government is at variance with the views of the Government of the United States, those views are set forth for the Soviet Government's information.

The Supreme Commander for the Allied Powers is the sole executive authority for the Allied Powers in Japan, and as such, has the responsibility for carrying out the judgments of any international court appointed by him. This is specifically recognized by Article 17 of the Charter of the International Military Tribunal for the Far East and by paragraph 5 (b) (1) of the Far Eastern Commission policy decision of April 3, 1946.

Under Article 17 of the Charter of the International Military Tribunal for the Far East the Supreme Commander for the Allied Powers may "at any time" reduce or otherwise alter a sentence of the Tribunal except to increase its severity and paragraph 5 (b) (2) of the Far Eastern Commission policy decision of April 3, 1946 confirms that he has "the power to approve, reduce or otherwise alter any sentences," imposed by any international courts appointed by him. Whether the Supreme Commander can exercise his power to reduce or otherwise alter a sentence "only while considering the question of the approval of this sentence" as contended in the Soviet Government's note or whether this may be done "at any time" as provided by Article 17 of the Charter quoted above is unnecessary to consider at this time as no reductions or alterations in the sentence imposed by the International Military Tribunal for the Far East have been made by the Supreme Commander and none are contemplated by him.

The Soviet Government is apparently under the impression that paroles such as are provided for by Circular No. 5 are alterations of the sentences imposed by the International Military Tribunal. This is a fundamental error. A parole is in no sense an alteration of a sentence but permission by the appropriate authority for the convicted criminal to serve part of his sentence outside of prison under

are violated. This method of dealing with convicts in accordance with the practice in enlightened and democratic countries.

For the reasons indicated the Government of the United States declines the request of the Soviet Government that the United States be looking to the revocation by the Supreme Command of the Soviet No. 5.

66. NOTE FROM THE SECRETARY OF STATE TO THE AMERICAN CHARGÉ D'AFFAIRES AT WASHINGTON, 1950

The Secretary of State presents his compliments to the American Chargé d'Affaires ad interim of the Union of Soviet Socialist Republics and refers to the Secretary's note of December 30, 1949, regarding cooperation of the Soviet Union in the matter of releasing Japanese prisoners. The figures accounting for over 370,000 Japanese nationals, whose names are in figures considered reliable, are in areas under Soviet control or alive.

The note under reference alluded to the repatriation of Japanese prisoners by the Soviet Union under the Potsdam Declaration and pointed out that the prolonged detention of prisoners of war after the cessation of hostilities is in patent conflict with accepted humanitarian concepts of fundamental human rights and freedom of movement as set forth in the Geneva Convention of 1949 relative to the treatment of prisoners of war⁴ which was signed by the United States and the Allied Powers including the Soviet Union. In the interim, the problem of long-standing concern to the Allied Powers has remained. The note specifically requested that the Soviet Government designate an international humanitarian body to be charged with making a complete first-hand survey of Japanese prisoners in a view to obtaining exact information on Japanese prisoners since the cessation of hostilities.

The Embassy is reminded that the note under reference has not been answered or acknowledged, directly or indirectly, over five months ago and that an early indication of the Soviet Government to the United States Government would be appreciated.⁵

¹ Department of State *Bulletin*, Aug. 14, 1950, p. 257.

² *Ibid.*, Jan. 16, 1950, pp. 102-103.

³ *A Decade of American Foreign Policy*, pp. 49-50. The declaration of war against Japan, Aug. 8, 1945, "joined in the Allied Powers of July 26."

⁴ *Geneva Conventions of August 12, 1949, for the Protection of Prisoners of War* (Department of State publication 3938; 1950), pp. 84-161.

⁵ See Soviet reply of July 16, 1950; Department of State *Bulletin*, 1950, p. 435.

67. NOTE FROM THE AMERICAN AMBASSADOR AT MOSCOW¹ TO THE SOVIET FOREIGN MINISTER,² JULY 14, 1950³

The Ambassador of the United States of America presents his compliments to the Minister of Foreign Affairs of the Union of Soviet Socialist Republics and on instructions from his Government has the honor to refer to the Soviet press announcement of May 5, 1950 stating that the repatriation of German prisoners of war from the Soviet Union to Germany has been completed with the exception of 9,717 persons convicted of grave war crimes, 3,815 persons whose alleged war crimes are in the process of investigation, and 14 persons detained owing to illness.

The Government of the United States shares the shock and concern of the German people⁵ over this public announcement, and is unable to give credence to the Soviet statement that there are only 13,544 German prisoners of war in its custody. These figures are completely at variance with the information in the possession of the Government of the United States, showing that large numbers of German prisoners of war known to have been in the Soviet custody have not yet been returned to their homes.

The Soviet Government is again informed that, in accordance with the agreement reached by the Council of Foreign Ministers at Moscow in April 1947 for the repatriation before December 31, 1948, of all German prisoners of war in the custody of the four occupying powers, the United States, the United Kingdom, and France did in fact repatriate all German prisoners of war in their custody prior to the agreed date. The United States, on its part, actually completed its program of repatriation of German prisoners of war as early as June 30, 1947.

The Government of the Soviet Union has repeatedly failed to respond to requests for pertinent information of its actions under the agreement of April 1947.⁷ On January 24, 1949, the Soviet Minister of Foreign Affairs, in acknowledging receipt of one of these inquiries, admitted that an unspecified number of German prisoners of war were still held in Soviet custody, failing however to furnish any information concerning them, but stating unequivocally that the Soviet Government would complete the repatriation of German prisoners of war remaining in its custody during 1949.⁸ It is clear from the announcement of May 5, 1950, that the Soviet Government has failed to honor

¹ Adm. Alan G. Kirk.

² Andrei Y. Vyshinsky.

this commitment just as it has failed to honor its earlier of April 1947. In this connection, the Government of the United States desires to make it plain that the arbitrary reclassification of the Soviet Government of prisoners of war as civilians will, of course, have the effect of relieving the Soviet Government of its obligation to return these persons to their homes and families.

By its delay in repatriating these German prisoners of war, the Soviet Government's repeated refusal to furnish information concerning their whereabouts has caused suffering and anxiety for large numbers of prisoners of war in the Soviet custody and their relatives and has demonstrated a complete disregard for the human rights of the unfortunate persons concerned. The United States Government alone has the power to mitigate this suffering and could do so by taking the following steps:

(1) Furnish full information on the identification of persons alleged to have been convicted of grave war crimes, persons whose alleged war crimes are in the process of investigation, and the 14 persons said to be under treatment for illness, retained by the Soviet Union as stated in the Soviet announcement of May 5. This information would include the present location and treatment of these persons, data on the sentences imposed on persons said to have been convicted of war crimes, and the status of investigations pending, as well as information with respect to steps taken by the Soviet Government to ensure the right of the persons of war to correspond with their families in Germany.

(2) In accordance with the Geneva Convention of July 1929 to which the Soviet Union is a party, to provide information on the number, identity, date of death and place of burial of prisoners of war and civilian internees who have died in captivity in the Soviet Union or in transit.

(3) Permit investigation in the Soviet Union by an impartial international body in order that the actual fate of the prisoners of war known to have been in Soviet custody may be ascertained. For this purpose, the Government of the United States suggests the establishment of an *ad hoc* commission designated by the United Nations group composed of representatives of the four powers not aligned with Germany, or representatives of neutral powers, or any other group mutually acceptable. It is noted in this connection that the United States, the United Kingdom, and France, at the time when they had German prisoners of war in their custody, furnished information concerning them to the interested parties, and permitted impartial access to the prisoners of war by international

taken prisoners during the war, or who were brought to the U.S.S.R. as civilian internees.

Information concerning the action which the Soviet Government is prepared to take on this matter would be welcomed by the Government of the United States, which would be willing to cooperate in any appropriate way.¹

58. LETTER FROM THE DELEGATIONS OF THE UNITED STATES, THE UNITED KINGDOM, AND AUSTRALIA TO THE SECRETARY-GENERAL OF THE UNITED NATIONS AUGUST 25, 1950²

We have the honour to refer to our telegram of 20 August 1950 (A/1327), submitting the item "Failure of the Union of Soviet Socialist Republics to repatriate or otherwise account for prisoners of war detained in Soviet territory" to be placed on the provisional agenda of the fifth session of the General Assembly.

The explanatory memorandum, referred to in the above-mentioned telegram, follows:

At the end of hostilities in Europe and in the Far East in 1945 large numbers of military personnel of various nationalities were in the hands of the Allied Powers. The prompt repatriation of these prisoners was demanded by accepted international practice and necessity by the elementary principles of humanity.

The Allied Powers clearly recognized at the outset this responsibility and entered into agreements to repatriate prisoners of war (see paragraph 9 of the Potsdam Proclamation of 26 July 1945; the Foreign Ministers Agreement in Moscow of 23 April 1947; the Agreement between the U.S.S.R. and the Supreme Commander for the Allied Powers in Japan of 19 December 1946, which are reproduced in annexes I, II and III).

The Soviet Union has not complied fully with these agreements. Moreover, the other governments concerned have on various occasions requested the U.S.S.R. to furnish information concerning its repatriation programmes and have even in certain cases offered transportation facilities for repatriation. However, on 22 April 1950 and 5 May 1950, TASS announced that the U. S. S. R. had completed the repatriation of all Japanese and German prisoners of war from its territory except for persons detained in connexion with war crimes or on account of illness (see annexes IV and V).

Evidence exists to show that these statements are not true. More

assistance to bring about an early settlement of the p
annexes VI and VII).

On the basis of the evidence of Soviet non-compliance, having control responsibility in Germany and Japan have occasions stated to the Soviet Government their inab credence to the TASS announcements, and have requested to the designation of an international humanitarian body tion which should make a thorough examination of the programme at first hand (see annexes VIII, IX, and X).

Since all these efforts have been without avail, the Gov Australia, the United Kingdom and the United States it essential to place the matter before the General Ass Articles 10, 14, and 1, paragraph 3, of the Charter. Governments hope that the General Assembly will cor whereby full information on all these persons may be obtained. repatriation of all those now living may be secured.

Further documents will be supplied later.¹

¹ See also U.N. General Assembly Res. 427 (V), Dec. 14, 1950; C bly, *Official Records, Fifth Session, Supplement No. 20 (A/1755)*, p. 4 the *Ad Hoc* Commission on Prisoners of War; the report of Sept. 1 Commission (*supra*, pp. 269-271); and General Assembly Res. 741 1953 (*supra*, pp. 271-272).

Part XII

EASTERN EUROPEAN COMMUNIST REGIMES AND THE BALTIC STATES

A. GENERAL

Basic United States Policy

1. STATEMENT BY THE SECRETARY OF STATE AT A NEWS CONFERENCE, FEBRUARY 24, 1950 ¹

I should like to say a few words about our relations with certain countries of Eastern Europe, particularly Bulgaria and Hungary which have been highlighted by the events of the past week.

The conduct of the Bulgarian Government has given us no alternative but to suspend diplomatic relations with that country.² The sentencing by a Hungarian court of an American citizen to 15 years imprisonment on false charges without a fair trial ³ is part of a general pattern common to all those countries which now have Communist governments and are closely tied to the Soviet Union. This pattern must now be absolutely clear to even the most casual observer.

The principal purpose behind what these governments have been doing is plainly to make the so-called iron curtain impenetrable. Their purpose is to cut off the people of Eastern Europe from the free world, to deprive them of all hope of any other fate than that reserved for them by their present rulers, and to liquidate all signs and symbols of Western influence to the accompaniment of a flood of propaganda and denunciation of "spies," "warmongers," and the other familiar whipping boys.

In pursuit of their aims, the present Communist rulers of these nations have ruthlessly used the power of the state to frighten their own populations and to take action against the diplomats and citizens

appropriately can give them as evidence of hostility and action in their internal affairs. But here we are dealing with the fundamentals of human and political behavior. It is the responsibility of the Government and of the American people to promote and protect human rights. That is why we have vigorously supported the provisions of the United Nations Charter and of the protocols on this subject and attempted to make them as effective as possible.

It is notable that the Governments of Bulgaria, Rumania, besides making it increasingly difficult for them to maintain diplomatic missions and virtually impossible to give protection to American citizens and American interests, systematically denied human rights and fundamental freedoms to their own peoples in flagrant violation of the provisions of the treaties.¹

The countries of Eastern Europe claim to be sovereign and equal members of the international community. The United States has treated them as such, for these nations have had no choice in the past and have a right to it. We have wished to maintain normal relations with them regardless of their political philosophies and institutions. We have wished to maintain our ties of friendship with the peoples of these countries with whose welfare and freedom the American people are very deeply concerned.

On the other hand, states which claim to be sovereign and equal members of the international community must act in accordance with the principles of the United Nations. Governments must observe accepted standards in their relations with the rest of the world, and they must maintain the attributes of independence.

With regard to Bulgaria and Hungary, whose recent actions have brought their relations with the United States to a new point since the war, it is well to remember that a few years ago these states were allies of Nazi Germany. It was the policy of the Allied Powers, in proceeding rapidly to the conclusion of treaties with them, to give them a full opportunity to place again in the family of nations. Their present actions, in regard of the wishes of their peoples, seem bent on denying them this opportunity.

I should like to repeat that we do not regard the people of Eastern Europe as responsible for the deterioration of our relations with these governments, and the measures which the United States is taking to take in order to meet the situation created by the actions of those governments are in no sense directed against the people, who after their experience with Nazi rule have a right to expect freedom and independence. This country will not diminish its concern for their rights and their well-being.

¹ Treaties of Feb. 10, 1947 (TIAS 1649-1651 (61 Stat., pt. 2,

. STATEMENT BY THE PRESIDENT, FEBRUARY 8, 1955

I am happy to be with you tonight for I strongly believe that Radio Free Europe and the Crusade for Freedom are vital to success in the battle for men's minds.

Many of us learned during the war that the most potent force is spiritual; that the appeal to men's minds produces a dedication which surmounts every trial and test until victory is won.

To toughen, strengthen, fortify such dedication to the cause of freedom is the mission of Radio Free Europe.

Substantial progress has already been made. The free world is growing stronger because its peoples are growing in their determination to stand together and in their faith that freedom and justice will triumph.

Radio Free Europe, each day of the year, nourishes this growth.

Here at home, we Americans face the future with confidence. But we must also face up to the dangers that still lurk about us. We must ever work to strengthen our posture of defense and to reinforce our alliances and friendships in the free world.

While we maintain our vigilance at home and abroad, we must help intensify the will for freedom in the satellite countries behind the Iron Curtain. These countries are in the Soviet backyard, and only so long as their people are reminded that the outside world has not forgotten them—only that long do they remain as potential deterrents to Soviet aggression.

The great majority of the 70 million captives in these satellite countries have known liberty in the past. They now need our constant friendship and help if they are to believe in their future.

Therefore, the mission of Radio Free Europe merits greater support than before. It serves our national security and the cause of peace.

I have long given the Crusade for Freedom my strong endorsement. I did that because I am familiar with its purposes, its operations, the people who run it, and, perhaps, most important, its hard-hitting effectiveness as an independent American enterprise.

I know that our country and our friends behind the Iron Curtain can count on you for active participation and leadership in this most critical of all battles—the winning of men's minds. Without this victory, we can have no other victories. By your efforts, backed up by America, we can achieve our great goal—that of enabling us and all the peoples of the world to enjoy in peace the blessings of freedom.

¹ Department of State *Bulletin*, Feb. 21, 1955, p. 295. The statement was made by closed-circuit television to meetings held throughout the United States in support of Radio Free Europe, under the auspices of the American Heritage Foundation.

Interpretation of the Human Rights Clause in the Peace Treaties With Bulgaria, Hungary, and

**3. NOTE FROM THE AMERICAN LEGATION AT BUCHAREST
TO THE RUMANIAN FOREIGN MINISTRY, JANUARY 1950¹**

The Legation of the United States of America presents its compliments to the Ministry of Foreign Affairs of Rumania and has the honor to refer to the Legation's note of August 1, 1949² and to the Rumanian Government's note of August 1, 1949³ inviting the United States Government to join the United States Government in naming a Commission, in accordance with Article 38 of the Peace Treaty,⁴ to settle the dispute which has arisen over the interpretation and execution of Article 3 of the Treaty. Reference is also made to the Ministry's note of September 2, 1949⁵ and to the Legation's note of September 19, 1949⁶ on the same subject.

The Legation has the honor to inform the Ministry that the United States Government has designated Mr. Edwin D. Dickinson as its representative on the proposed Commission. It is requested that the Rumanian Government designate its representative for the Commission and enter into consultation immediately with the United States Government through the American Minister in Bucharest, with a view to the appointment of the third member of the Commission as provided for in Article 38 of the Peace Treaty.

4. ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE, MARCH 30 1950 (Excerpts)⁶

On October 22nd, 1949, the General Assembly of the United Nations adopted the following Resolution:⁷

"Whereas the United Nations, pursuant to Article 1 of its Charter, shall promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Whereas the General Assembly, at the second part of its Regular Session, considered the question of the obligation of the United States to negotiate a peace treaty with Bulgaria, Hungary, and Rumania,

¹ Department of State *Bulletin*, Jan. 16, 1950, p. 97. The American Legations at Sofia and Budapest sent similar notes to the Bulgarian and Hungarian Governments. The United States Government's note to the Rumanian Government was dated August 1, 1949.

Bulgaria and Hungary of human rights and fundamental freedoms,

Whereas the General Assembly, on 30 April 1949, adopted Resolution 272 (III) ¹ concerning this question in which it expressed its deep concern at the grave accusations made against the Governments of Bulgaria and Hungary regarding the suppression of human rights and fundamental freedoms in those countries; noted with satisfaction that steps had been taken by several States signatories to the Treaties of Peace with Bulgaria ² and Hungary ³ regarding these accusations; expressed the hope that measures would be diligently applied, in accordance with the Treaties, in order to ensure respect for human rights and fundamental freedoms; and most urgently drew the attention of the Governments of Bulgaria and Hungary to their obligations under the Peace Treaties, including the obligation to co-operate in the settlement of the question,

Whereas the General Assembly has resolved to consider also at the Fourth Regular Session the question of the observance in Romania of human rights and fundamental freedoms,

Whereas certain of the Allied and Associated Powers signatories to the Treaties of Peace with Bulgaria, Hungary and Romania have charged the Governments of those countries with violations of the Treaties of Peace and have called upon those Governments to take remedial measures,⁴

Whereas the Governments of Bulgaria, Hungary and Romania have rejected the charges of Treaty violations,⁵

Whereas the Governments of the Allied and Associated Powers concerned have sought unsuccessfully to refer the question of Treaty violations to the Heads of Mission in Sofia, Budapest and Bucharest, in pursuance of certain provisions in the Treaties of Peace,

Whereas the Governments of these Allied and Associated Powers have called upon the Governments of Bulgaria, Hungary and Romania to join in appointing Commissions pursuant to the provisions of the respective Treaties of Peace for the settlement of disputes concerning the interpretation or execution of these Treaties,⁶

Whereas the Governments of Bulgaria, Hungary and Romania have refused to appoint their representatives to the Treaty Commissions, maintaining that they were under no legal obligation to do so,

Whereas the Secretary-General of the United Nations is authorized by the Treaties of Peace, upon request by either party to

if the parties fail to agree upon the appointment member,

Whereas it is important for the Secretary-General to authoritatively concerning the scope of his authority in the Treaties of Peace,

The General Assembly

1. *Expresses* its continuing interest in and its increase at the grave accusations made against Bulgaria, Hungary and Romania;

2. *Records* its opinion that the refusal of the Governments of Bulgaria, Hungary and Romania to co-operate in examining the grave charges with regard to the violation of human rights and fundamental freedoms justifies the report of the General Assembly about the state of affairs in Bulgaria, Hungary and Romania in this respect;

3. *Decides* to submit the following questions to the International Court of Justice for an advisory opinion:

I. Do the diplomatic exchanges between the Governments of Bulgaria and Romania, on the one hand, and the Allied and Associated Powers signatories to the Treaties of Peace, on the other, concerning the implementation of Article 2 of the Treaty of Peace with Bulgaria and Hungary and Article 3 of the Treaty of Peace with Romania, disclose disputes subject to the provisions for the settlement of disputes in Article 36 of the Treaty of Peace with Bulgaria and Hungary, Article 40 of the Treaty of Peace with Romania and Article 38 of the Treaty of Peace with Romania?

In the event of an affirmative reply to question I,

II. Are the Governments of Bulgaria, Hungary and Romania obligated to carry out the provisions of the articles referred to in question I, in accordance with the provisions for the appointment of their representatives to the Treaty Commissions?

In the event of an affirmative reply to question II, will the Governments deliver their opinion, the Governments concerned notified the Secretary-General that they have agreed to the provisions of the Treaty Commissions?

the Treaty Commission, is the Secretary-General of the United Nations authorized to appoint the third member of the Commission upon the request of the other party to a dispute according to the provisions of the respective Treaties?"

In the event of an affirmative reply to question III:

'IV. Would a Treaty Commission composed of a representative of one party and a third member appointed by the Secretary-General of the United Nations constitute a Commission, within the meaning of the relevant Treaty articles, competent to make a definitive and binding decision in settlement of a dispute?"

4. *Requests* the Secretary-General to make available to the International Court of Justice the relevant exchanges of diplomatic correspondence communicated to the Secretary-General for circulation to the Members of the United Nations and the records of the General Assembly proceedings on this question.

5. *Decides* to retain on the agenda of the Fifth Regular Session of the General Assembly the question of the observance of human rights and fundamental freedoms in Bulgaria, Hungary and Romania, with a view to ensuring that the charges are appropriately examined and dealt with."

In conformity with the Resolution of the General Assembly of October 22nd, 1949, the Court is at present called upon to give an Opinion only on Questions I and II set forth in that Resolution.

The power of the Court to exercise its advisory function in the present case has been contested by the Governments of Bulgaria, Hungary and Romania, and also by several other Governments in the communications which they have addressed to the Court. This objection is founded mainly on two arguments.

It is contended that the Request for an Opinion was an action *ultra vires* on the part of the General Assembly because, in dealing with the question of the observance of human rights and fundamental freedoms in the three States mentioned above, it was "interfering" or "intervening" in matters essentially within the domestic jurisdiction of States. This contention against the exercise by the Court of its advisory function seems thus to be based on the alleged incompetence of the General Assembly itself, an incompetence deduced

Peace Treaties concerning the observance of human fundamental freedoms. For the purposes of the present it suffices to note that the General Assembly justified its Resolution by stating that "the United Nations, in accordance with Article 55 of the Charter, shall promote universal peace and observance of human rights and fundamental freedoms of all without distinction as to race, sex, language or religion."

The Court is not called upon to deal with the questions before the General Assembly since the Questions put to it relate neither to the alleged violations of the provisions of the Treaty nor to the interpretation of the articles relating to these matters. The scope of the Request is much more limited. It is directed solely at obtaining from the Court certain clarifications of a legal nature concerning the applicability of the procedure for the settlement of disputes provided for in the express terms of the Treaty with Bulgaria, Article 40 of the Treaty with Hungary and Article 38 of the Treaty with Romania. The interpretation of the terms of a treaty for this purpose could not be considered a question essentially within the domestic jurisdiction of the parties. It is a question of international law which, by its very nature, falls within the competence of the Court.

These considerations also suffice to dispose of the objections based on the principle of domestic jurisdiction and directed against the competence of the Court, namely, that the Court, as an organ of the United Nations, is bound to observe the provisions of the Charter, including Article 2, paragraph 7.

The same considerations furnish an answer to the objection that the advisory procedure before the Court would take the form of a procedure instituted by the Peace Treaties for the settlement of disputes. So far from placing an obstacle in the way of the advisory procedure, the object of this Request is to facilitate the provision of information for the General Assembly as to its application in the circumstances of the present case.

It thus appears that these objections to the Court's competence to give the Advisory Opinion which has been requested are unfounded and cannot be upheld.

Another argument that has been invoked against the Court to answer the Questions put to it in this case is the opposition of the Governments of Bulgaria, Hungary and Romania to the advisory procedure. The Court cannot, it is said, give an Advisory Opinion requested without violating the principle of international law according to which no state is bound by a decision of the Court unless it has accepted the jurisdiction of the Court.

o advisory proceedings even where the Request for an Opinion relates to a legal question actually pending between States. The Court's reply is only of an advisory character: as such, it has no binding force. It follows that no State, whether a Member of the United Nations or not, can prevent the giving of an Advisory Opinion which the United Nations considers to be desirable in order to obtain enlightenment as to the course of action it should take. The Court's Opinion is given not to the States, but to the organ which is entitled to request it; the reply of the Court, itself an "organ of the United Nations", represents its participation in the activities of the Organization, and, in principle, should not be refused.

Question I involves two main points. First, do the diplomatic exchanges between Bulgaria, Hungary and Romania on the one hand and certain Allied and Associated Powers signatories to the Peace Treaties on the other, disclose any disputes? Second, if they do, are such disputes among those which are subject to the provisions for the settlement of disputes contained in Article 36 of the Treaty with Bulgaria, Article 40 of the Treaty with Hungary, and Article 38 of the Treaty with Romania?

Whether there exists an international dispute is a matter for objective determination. The mere denial of the existence of a dispute does not prove its non-existence. In the diplomatic correspondence submitted to the Court, the United Kingdom, acting in association with Australia, Canada and New Zealand, and the United States of America charged Bulgaria, Hungary and Romania with having violated, in various ways, the provisions of the articles dealing with human rights and fundamental freedoms in the Peace Treaties and called upon the three Governments to take remedial measures to carry out their obligations under the Treaties. The three Governments, on the other hand, denied the charges. There has thus arisen a situation in which the two sides hold clearly opposite views concerning the question of the performance or non-performance of certain treaty obligations. Confronted with such a situation, the Court must conclude that international disputes have arisen.

The next point to be dealt with is whether the disputes are subject to the provisions of the articles for the settlement of disputes contained in the Peace Treaties. The disputes must be considered to fall within those provisions if they relate to the interpretation or execution of the Treaties, and if no other procedure of settlement is specifically provided elsewhere in the Treaties.

Since no other procedure is specifically provided in any article of the Treaties, the disputes must be subject to the method of settlement contained in the articles providing for the settlement of all disputes.

The Court thus concludes that Question I must be answered in the affirmative.

In these circumstances, it becomes necessary to take up Question II, which is as follows:

"Are the Governments of Bulgaria, Hungary and Romania obligated to carry out the provisions of the articles mentioned in Question I, including the provisions for the appointment of representatives to the Treaty Commissions?"

The articles for the settlement of disputes provide that disputes which are not settled by direct diplomatic negotiations shall be referred to the Three Heads of Mission.¹ If not resolved by the end of the period of two months, the dispute shall, unless the parties agree upon another means of settlement, be referred to the Commission of either party to the dispute to a Commission composed of one representative of each party and a third member, to be selected by agreement with the relevant articles of the Treaties.

The diplomatic documents presented to the Court show that the United Kingdom and the United States of America on the one hand, and Bulgaria, Hungary and Romania on the other, have not agreed in settling their disputes by direct negotiations. They have agreed that these disputes were not resolved by the Heads of Mission within the prescribed period of two months. It is a fact that the parties to the disputes have not agreed upon any other means of settlement. It is also a fact that the United Kingdom and the United States of America, after the expiry of the prescribed period, requested that the disputes should be settled by the Commissions mentioned in the Treaties.

This situation led the General Assembly to put Question II to obtain guidance for its future action.

The Court finds that all the conditions required for the settlement of the stage of the settlement of disputes by the Commissions have been fulfilled.

In view of the fact that the Treaties provide that any dispute may be referred to a Commission "at the request of either party" and that either party is obligated, at the request of the other, to co-operate in constituting the Commission, in particular by appointing its representative. Otherwise the method of settlement

On Question I:

by eleven votes to three,
that the diplomatic exchanges between Bulgaria, Hungary and Romania on the one hand and certain Allied and Associated Powers signatories to the Treaties of Peace on the other, concerning the implementation of Article 2 of the Treaties with Bulgaria and Hungary and Article 3 of the Treaty with Romania, disclose disputes subject to the provisions for the settlement of disputes contained in Article 3 of the Treaty of Peace with Bulgaria, Article 40 of the Treaty of Peace with Hungary, and Article 38 of the Treaty of Peace with Romania.

On Question II:

by eleven votes to three,
that the Governments of Bulgaria, Hungary and Romania are obligated to carry out the provisions of those articles referred to in Question I, which relate to the settlement of disputes, including the provisions for the appointment of their representatives to the Treaty Commissions.

Done in French and English, the French text being authoritative at the Peace Palace, The Hague, this thirtieth day of March, one thousand nine hundred and fifty, in two copies, one of which will be placed in the archives of the Court and the other transmitted to the Secretary-General of the United Nations.

BASDEVANT,
President.

E. HAMBRO,
Registrar.

Judge AZEVEDO, while concurring in the Opinion of the Court, has availed himself of the right conferred on him by Article 57 of the Statute¹ and appended to the Opinion a statement of his separate opinion.²

Judges WINIARSKI, ZORIČIĆ and KRYLOV, considering that the Court should have declined to give an Opinion in this case, have availed themselves of the right conferred on them by Article 57 of the Statute and appended to the Opinion statements of their dissenting opinions.³

¹ *A Decade of American Foreign Policy*, p. 150.

² *International Court of Justice Reports, 1950*, pp. 79-88. Judge Azevedo contended that the Court should not have agreed to answer the questions, since they were substantive and not abstract, but—the Court having decided to answer the questions—he concurred in the Court's answers.

³ *Ibid.*, pp. 89-113.

5. NOTE FROM THE AMERICAN LEGATION AT TO THE HUNGARIAN FOREIGN MINISTRY, 1950 ¹

The Legation of the United States of America presents to the Minister for Foreign Affairs of Hungary honor to direct the Minister's attention to the advisory interpretation of the Peace Treaties with Bulgaria, Rumania which was given by the International Court March 30, 1950.²

In the light of this opinion, it is assumed that the Hungarian Government will now nominate its representative on the Commission and will inform the Secretary-General of the conditions of the nomination in accordance with the United Nations Assembly Resolution of October 22, 1949. It is further assumed that the Hungarian Government will also be willing to consult with the United States Government with a view to the appointment of a third member in accordance with Article 1 of the Treaty of Peace.

As the United States Legation informed the Minister for Foreign Affairs in its note of January 5, 1950,³ the United States Government has appointed Mr. Edwin D. Dickinson as its representative on the proposed Commission.

6. ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE, JULY 18, 1950 (Excerpts) ⁴

THE COURT, . . .

gives the following Advisory Opinion:

[The opinion quotes the resolution adopted by the United Nations General Assembly on October 22, 1949;⁵ it then quotes the Court's answers to questions I and II which were asked in that resolution; and concludes with an account of certain subsequent developments.]

Having stated, in its Opinion of March 30th, 1950,⁶ that the obligations of Bulgaria, Hungary, and Rumania are obligated to carry out the provisions of those articles of the Peace Treaties relating to the settlement of disputes, including the provisions for the presence of their representatives to the Treaty Commission, the Court received information from the Secretary-General of the United Nations that the Hungarian Government had

opinion, or the appointment of its representative to the Treaty Commission, the Court is now called upon to answer Question III in the Resolution of the General Assembly of October 22nd, 1949, which reads as follows:

[Here follows the Court's reasoning by which it reached its conclusion]

Consequently, Question III must be answered in the negative. It is therefore not necessary for the Court to consider Question IV which requires an answer only in the event of an affirmative answer to the preceding Question.

For these reasons,
THE COURT IS OF OPINION,
by eleven votes to two,
that, if one party fails to appoint a representative to a Treaty Commission under the Peace Treaties with Bulgaria, Hungary and Romania where that party is obligated to appoint a representative to the Treaty Commission, the Secretary-General of the United Nations is not authorized to appoint the third member of the Commission upon the request of the other party to a dispute.

Done in French and English, the French text being authoritative at the Peace Palace, The Hague, this eighteenth day of July, one thousand nine hundred and fifty, in two copies, one of which will be placed in the archives of the Court and the other transmitted to the Secretary-General of the United Nations.

BASDEVANT,
President.

E. HAMBRO,
Registrar.

Judge KRYLOV, while joining in the conclusions of the opinion and the general line of argument, declares that he is unable to concur in the reasons dealing with the problem of international responsibility which, in his opinion, goes beyond the scope of the request for opinion.

Judges READ and AZEVEDO, declaring that they are unable to concur in the Opinion of the Court, have availed themselves of the right conferred on them by Article 57 of the Statute¹ and appended to the Opinion statements of their dissenting opinion.²

J. B.
E. H.

¹ *A Decade of American Foreign Policy*, p. 150.

² *International Court of Justice Reports*, 1950, pp. 231-254.

7. RESOLUTION 385 (V) OF THE UNITED NATIONS ASSEMBLY, NOVEMBER 3, 1950¹

The General Assembly,

Considering that one of the purposes of the United Nations is to achieve international co-operation in promoting and maintaining respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Having regard to General Assembly resolutions 272 (I) and 273 (IV)² concerning the question of the observance in Bulgaria and Romania of human rights and fundamental freedoms and the decision in the latter resolution to submit certain questions to the International Court of Justice for an advisory opinion,

1. *Takes note* of the advisory opinions delivered by the International Court of Justice on 30 March 1950³ and 18 July 1950⁴ and the effect that:

(a) The diplomatic exchanges between Bulgaria, Hungary and Romania on the one hand, and certain Allied and Associated Powers and signatories to the Treaties of Peace on the other,⁵ concerning the implementation of article 2 of the Treaty with Bulgaria and article 3 of the Treaty with Romania, disclose discrepancies in the provisions for the settlement of disputes contained in articles 40 of the Treaty of Peace with Bulgaria, article 40 of the Treaty of Peace with Hungary, and article 38 of the Treaty of Peace with Romania;

(b) The Governments of Bulgaria, Hungary and Romania are obligated to carry out the provisions of those articles of the Treaties of Peace which relate to the settlement of disputes, in accordance with the provisions for the appointment of their representatives to the respective Commissions;

(c) If one party fails to appoint a representative to a Commission under the Treaties of Peace with Bulgaria, Hungary and Romania where that party is obligated to appoint a representative to the Treaty Commission, the Secretary-General of the United Nations

¹ General Assembly, *Official Records, Fifth Session, Supplement No. 1* (1950), p. 16. See also statement of Oct. 2, 1950, by Ambassador C. V. Whelan, *Department of State Bulletin*, Oct. 23, 1950, p. 666.

² *A Decade of American Foreign Policy*, pp. 1170-1171 and 1173-1174.

³ *Supra*, doc. 4.

⁴ *Supra*.

⁵ See the U.S. notes of Mar. 29, 1949, to Bulgaria, Hungary, and Romania (A Decade of American Foreign Policy, pp. 1159-1165); the Hungarian note of Apr. 8, 1949, to the United States (*ibid.*, pp. 1167-1169); the Romanian note of Apr. 18, 1949, to the United States (*ibid.*, pp. 1169-1170); the Bulgarian note of Apr. 18, 1949, to the United States (*ibid.*, pp. 1171-1172).

s not authorized to appoint the third member of the Commission upon the request of the other party to a dispute;

2. *Condemns* the wilful refusal of the Governments of Bulgaria, Hungary and Romania to fulfil their obligation under the provisions of the Treaties of Peace to appoint representatives to the Treaty Commissions, which obligation has been confirmed by the International Court of Justice;

3. *Is of the opinion* that the conduct of the Governments of Bulgaria, Hungary and Romania in this matter is such as to indicate that they are aware of breaches being committed of those articles of the Treaties of Peace under which they are obligated to secure the enjoyment of human rights and fundamental freedoms in their countries and that they are callously indifferent to the sentiments of the world community;

4. *Notes* with anxiety the continuance of serious accusations of these matters against the Governments of Bulgaria, Hungary and Romania, and that the three Governments have made no satisfactory refutation of these accusations;

5. *Invites* Members of the United Nations, and in particular those which are parties to the Treaties of Peace with Bulgaria, Hungary and Romania, to submit to the Secretary-General all evidence which they now hold or which may become available in future in relation to this question;

6. *Likewise invites* the Secretary-General to notify the Members of the United Nations of any information he may receive in connexion with this question.

. NOTE FROM THE SECRETARY OF STATE TO THE RUMANIAN CHARGÉ D'AFFAIRES AT WASHINGTON,¹ MARCH 18, 1952²

The Secretary of State presents his compliments to the Chargé d'Affaires *ad interim* of the Rumanian People's Republic and transmits herewith, for the information of the Rumanian Government, three copies of Department of State publication No. 4376 entitled "Evidence of Violations of Human Rights Provisions of the Treaties of Peace by Rumania, Bulgaria and Hungary, submitted by the United States Government³ to the Secretary General of the United Nations pursuant to the resolution of the General Assembly of November 3, 1950,⁴ Volume I, Violations by the Rumanian Government, Freedom of Expression and of Press and Publication," together with three

submitted by the United States Government to the Secretariat of the United Nations on November 16, 1951, and the same being submitted presently.

The Secretary of State takes this occasion to note that the Rumanian Government has referred to the contents of Volume I of its submission to the Secretary General of the United Nations as "a collection of lies and falsifications." Such references were made by the Rumanian Government in a declaration in its control on December 6, 1951.

This declaration the Rumanian Government repeated at the meeting distributed by it during the meeting of the last General Assembly of the United Nations in Paris, entitled "The Aggressive Policies and Machinations of American Imperialism Against the Soviet People's Republic."

The attention of the Rumanian Government is called to the fact that of the eighty-nine exhibits, with sub-exhibits, contained in Volume I, evidence offered by the United States Government to the United Nations charges that the Rumanian Government has violated the terms of the Treaty of Peace by which the Rumanian Government agreed to secure the enjoyment of freedom of expression and free press and publication in Rumania, sixty-five, including sub-exhibits reproduced in the supplement in facsimile of the originals. These sixty-five include articles or statements by Soviet authorities (four exhibits), quotations from the Rumanian press (three exhibits), quotations from the official Rumanian press or Rumanian newspapers appearing during the war when the press has been under the Rumanian Government (six exhibits), and official legislation and decrees of the Rumanian Government as published in the official gazette, "Monitorul Oficial" or "Buletinul Oficial," and similar government publications (three exhibits). Since these sixty-five exhibits, including sub-exhibits, have been in documents believed to be official, the Rumanian Government is invited to specify which, if any, of these exhibits fall in the category of "lies and falsifications" and to specify the respects in which the "lie" or "falsification" is comprised.

The remaining exhibits offered by the United States Government in Volume I consist, for the most part, of certain declarations sworn to before persons authorized to administer oaths in various countries. These include forty documents and sub-exhibits. If the remarks of the Rumanian Government are intended to apply to these latter exhibits, the Rumanian Government is invited to specify which of them it believes fall into the category of "lies and falsifications," giving again the respects in which

while not charging that the signatures of affiants have been forged or falsified or that the affiants have wilfully lied, differs with respect to the facts to which the affiants have testified, the attention of the Rumanian Government is called to the introductory statement of the United States Government in Volume I as follows (page vi):

The Rumanian Government is invited to offer in any appropriate way such evidence—in the legal sense—as it may have in rebuttal and to submit that evidence to further objective verification.

The United States Government has looked in vain in the publications of the Rumanian Government on this subject to which reference has been made above for the submission of any evidence in any legal sense; it has instead found unsupported conclusions, unresponsive and irrelevant assertions, always without factual proof, and statements which, insofar as they might be relevant, the United States would be prepared to demonstrate, in any appropriate forum governed by rules of legal procedure, to be false.

It is clear to the United States, as it must be to objective persons examining these documents, that the failure of the Rumanian Government to meet the issues of fact and of law in this matter, coupled with that Government's evasion of its established legal duty to submit these issues for trial by the Commission provided in the Treaty of Peace, or by any other judicial body, constitute an unquestionable admission by the Rumanian Government that the charges made by the United States against that Government were correct, that the evidence submitted by the United States amply sustains its charges against the Rumanian Government and that, therefore, the Rumanian Government stands convicted in accordance with the normal legal rules obtaining in civilized countries of violating the Treaty of Peace by wilfully and systematically denying to its citizens and other persons in its jurisdiction the enjoyment of elemental human rights and fundamental freedoms which the Rumanian Government pledged.

The Secretary of State takes this occasion to repeat what he said in submitting Volume I to the Secretary-General of the United Nations:

From its past performance one may expect the Rumanian Government—and the other accused governments—to say, always in general terms, that the charges to which this first installment of evidence relates have not been proved and that its persecutions have been directed solely to the suppression of Nazism and Fascism and to make other self-serving statements of sweeping generality. That will not do. Verifiable facts are called for from the accused, not mere conclusions or name calling. The truth is that, since the charges and the evidence in support thereof relate to facts localized in the territory of Rumania, their truth or falsity in the event of dispute may best be determined by inquiries on the spot.

tions by joining in the establishment of commissions must be taken. A substantial part out of the suspicion that such a tribunal would serve as a way to obtain evidence which these governments prefer to conceal.

In submitting its material, the United States Government is guided by the meaning of the word "evidence" used in the General Assembly resolutions, as denoting testimony which is logically probative of issues of fact in charges made and the replies thereto, and which is acceptable for use under standards for the conduct of judicial proceedings generally in civilized countries.¹

Travel of American Citizens in Iron Curtain Countries

9. STATEMENT BY THE DEPARTMENT OF STATE MAY 1, 1952²

The Department of State announced today that it is taking additional steps to warn American citizens of the risks of travel in Iron Curtain countries by stamping all passports not valid for travel in those countries unless specifically endorsed by the Department of State for such travel.

In making this announcement, the Department emphasizes that this procedure in no way forbids American travel to those countries. It contemplates that American citizens will consult the Department or the Consulates abroad to ascertain the dangers of travel in those countries where acceptable standards of protection do not exist, and that, if no objection is perceived, the travel may be permitted.

All new passports will be stamped as follows:

THIS PASSPORT IS NOT VALID FOR TRAVEL TO ALBANIA, ARABIA, CHINA, CZECHOSLOVAKIA, HUNGARY, POLAND, RUMANIA, TURKEY, UNION OF SOVIET SOCIALIST REPUBLICS UNLESS SPECIFICALLY ENDORSED UNDER AUTHORITY OF THE DEPARTMENT OF STATE. THIS PASSPORT BEING VALID FOR SUCH TRAVEL

All outstanding passports, which are equally subject to the same restriction, will be so endorsed as occasion permits.

¹ The word "Government" in the second paragraph of this quotation appears in the original document.

² Department of State press release 341; the text in Department of State *Bulletin*, May 12, 1952, p. 736, reads on May 1 instead of today in the original. See also statements of Feb. 27, 1950, regarding travel in Bulgaria (*ibid.*, Mar. 13, 1950, p. 399); May 1, 1951, regarding travel in Hungary (*ibid.*, May 14, 1951, p. 770); and June 2, 1951, regarding travel in China (*ibid.*, June 11, 1951, p. 932).

10. STATEMENT BY THE DEPARTMENT OF STATE, OCTOBER 31, 1955 ¹

The Secretary of State announced today in Geneva that United States passports will henceforth not require special validation for travel to the following countries in the European Soviet bloc: Czechoslovakia, Hungary, Poland, Rumania, and the Union of Soviet Socialist Republics. Instead of the previous endorsement necessitating special validation for travel in those areas passports will now carry the following stamp:

"This passport is not valid for travel to the following areas under control of authorities with which the United States does not have diplomatic relations: Albania, Bulgaria, and those portions of China, Korea and Viet-Nam under Communist control."

3. ALBANIA

11. STATEMENT BY THE SECRETARY OF STATE, NOVEMBER 27, 1954 ²

November 28 marks the anniversary of the two historic events most cherished by the Albanian people: the first proclamation of Albanian independence in 1443 and the reemergence of Albania as an independent nation in 1912.

The traditional friendship of the United States for the people of Albania has sprung from a natural American sympathy with Albanian aspirations for liberty. Since World War I, this sympathy has expressed itself in important actions of support by the United States for the sovereign independence of the Albanian nation and for the welfare of its people. Whenever contacts between Americans and Albanians occur, we are reminded that the Albanian people retain a keen appreciation of past evidences of U. S. interest and that, in consequence, a special bond of understanding between the peoples of the two countries has been firmly established.

The present sufferings of the Albanian people under Communist oppression and their strong desire to be rid of this alien yoke are matters of deep concern to the United States. The American Government and people recognize the right of the Albanian people to

the United States has noted with satisfaction declarations of spokesmen of the neighboring countries in support of a free and independent Albania. Americans look forward to the ultimate recognition by Albania of its rightful place in the community of nations and the U. S. Government will not cease its advocacy of this goal.

C. BALTIC STATES

12. AIDE-MÉMOIRE FROM THE SECRETARY OF STATE TO THE MINISTER OF LITHUANIA,¹ THE CHARGÉ D'AFFAIRES OF LATVIA,² AND THE ACTING CONSUL GENERAL OF ESTONIA IN CHARGE OF LEGATION,³ AUGUST 9, 1950

With reference to the *aide-mémoire* of July 27, 1950,⁵ presented to the Department of State by the Honorable the Minister of Lithuania, the Chargé d'Affaires of Latvia, and the Acting Consul General of Estonia in charge of legation and in confirmation of a conversation of that date, the Secretary of State informs the named representatives of the Baltic States as follows:

The Department of State is pleased to receive the expressions of appreciation tendered by the representatives of Estonia, Latvia, and Lithuania on behalf of their respective countries for the friendship followed by the United States Government toward the Baltic States. The Department is also pleased to note the approval expressed by the representatives of Estonia, Latvia, and Lithuania of the policy followed by the United States and the United Nations with respect to the recent developments in Korea. As is well known, this policy conforms with the traditional views of the United States Government concerning the rights of all peoples to self-determination and freedom from aggression.

The request of the representatives of the Baltic States for continued United States support consideration by the United Nations of the "genocidal mass deportations and of the appalling situation in the Baltic States" will be brought to the attention of the United States Government's representatives who are directly concerned with United Nations affairs.

¹ Povilas Zadeikis.

² Jules Feldmans.

³ Johannes Kaiv.

⁴ Department of State *Bulletin*, Aug. 28, 1950, p. 334.

⁵ Not printed.

STATEMENT BY THE SECRETARY OF STATE BEFORE
THE HOUSE COMMITTEE TO INVESTIGATE AND STUDY
THE SEIZURE AND FORCED INCORPORATION OF LITHU-
ANIA, LATVIA, AND ESTONIA BY THE UNION OF SOVIE
SOCIALIST REPUBLICS AND THE TREATMENT OF SAID
BAL TIC PEOPLES, NOVEMBER 30, 1953 ¹

Chairman Kersten and Members of the Committee, I appreciate having this opportunity to talk to you of the Baltic republics of Estonia, Latvia, and Lithuania. I shall speak of their past, the present, and their future. Each of these phases is full of meaning.

The Baltic peoples proclaimed their independence of Russia in 1918. In 1920, Soviet Russia made peace treaties with them.² By these treaties Soviet Russia recognized, without reservation, the independence and sovereignty of the Baltic States. It declared in these treaties that it voluntarily and forever renounced all sovereign rights over the Baltic peoples and the territories of the Baltic States.

On July 28, 1922, the United States extended diplomatic recognition to the Baltic governments.³ We did so in application of our traditional concepts.

Estonia, Latvia, and Lithuania had shown, by four years of existence as independent states, that their independence had a solid reality. They had successfully maintained internal stability, both political and economic. They had conducted themselves internationally in accordance with good practice. Therefore, they were entitled to our recognition. Indeed, their independence fulfilled the kind of hope for a peoples which our Nation had entertained since its own beginning.

For two decades the Baltic republics showed the good fruits of freedom. Their creative accomplishments were impressive. Their natural resources were meager. But the peoples were skilled in agriculture and by their hard work they achieved a good measure of economic well-being. National arts and crafts flourished. They established a high standard of social justice and won worldwide respect as exemplary members of the family of nations. Their spiritual and moral strength, their love of liberty, their energy, and their self-discipline showed that they possessed those qualities which, more than mere numbers, area, or wealth, make for national worth.

The Baltic republics, during this period, gave the whole world a never-needed demonstration of the creative power of self-discipline and freedom.

The present dark period began in 1939. It was begun by the

¹ Department of State *Bulletin*, Dec. 14, 1953, pp. 818-819.

² Treaty of Feb. 2, 1920, with Estonia (League of Nations Treaty Series, vol. XI, pp. 29-71); treaty of Aug. 11, 1920, with Latvia (*ibid.*, vol. II, pp. 195-231); treaty of July 12, 1920, with Lithuania (*ibid.*, pp. 105-147).

³ *Papers Relating to the Foreign Relations of the United States, 1922*, vol. I, pp. 873-874.

of mutual assistance" upon these Baltic countries.

The Soviet Minister of Foreign Affairs carefully explained the defensive and protective nature of these pacts in a major address on October 31, 1939.² I quote his words:

The Soviet Union has concluded pacts of mutual assistance with Estonia, Latvia, and Lithuania which are of major political importance. The character of these mutual assistance pacts in no way implies any interference on the part of the Soviet Union in the affairs of Estonia, Latvia, and Lithuania. Some foreign newspapers are trying to make out. On the basis of these pacts of mutual assistance strictly stipulate the inviolability of the signatory states and the principle of non-interference in their internal affairs. . . . We declare that all the nonsensical talk about the Soviet Union's interest in the Baltic countries is only to the interest of our common enemy, the Soviet provocateurs.

Scarcely had these passionate and authoritative words been spoken when the "Sovietization" began. The concluding acts of the pacts came into effect eight months later when the Soviet Union marched into the Baltic territories, set up puppet governments, and demanded that they apply for admission into the Soviet Union, an admission which was graciously granted. The "nonsensical talk" of the "Soviet Union's interest" had come true.

The free nations of the world were shocked by this action. The United States promptly made its position known. On September 17, 1939, our Government described and denounced the "devious processes" whereunder the political independence and territorial integrity of the three small Baltic republics—Estonia, Latvia, and Lithuania—were to be deliberately annihilated by one of their neighbors."³

The "devious processes" still went on until today. The Baltic independent nations, representing much of the human race, have been "Sovietized."

Today the Soviet leaders still ask the free people of the world to rely on Soviet mutual security pacts. We should know that when the Soviet rulers use the word "security" they mean no security for the Soviet Union to secure new victims.

What of the future? First of all, let us never lose sight of the fact that there is a future.

I recall some of the earliest history recorded in the Bible. The nations there mentioned are such as Egypt, and Lebanon. How many times have these nations, over thousands of years ago been submerged, to rise again

¹ Pact of Sept. 28, 1939, with Estonia (League of Nations Bulletin, 1939, pp. 223-229); pact of Oct. 5, 1939, with Latvia (*ibid.*, 1939, pp. 230-231); pact of Oct. 10, 1939, with Lithuania (Department of State Bulletin, 1939, pp. 705-707).

² *Soviet Peace Policy: Four Speeches by V. Molotov* (London, 1939, pp. 1-4).

³ Department of State Bulletin, July 27, 1940, p. 48.

The Baltic peoples, in the face of every imposition, retain the will to be free and maintain their steadfast opposition to Soviet despotism. Terrorism has been prolonged now for thirteen years. Many of their courageous and noble representatives have been executed, deported, or driven into exile. But their martyrdom keeps patriotism alive.

The United States, for its part, maintains the diplomatic recognition which it extended in 1922 to the three Baltic nations. We continue to deal with those diplomatic and consular representatives of the Baltic countries who served the last independent governments of these states.

Some may say that it is unrealistic and impractical not to recognize the enforced "incorporation" of Estonia, Latvia, and Lithuania into the Soviet Union. We believe, however, that a despotism of the present Soviet type cannot indefinitely perpetuate its rule over hundreds of millions of people who love God, who love their country, and who have a sense of personal dignity.

The Soviet system, which seeks to expunge the distinctive characteristics of nation, creed, and individuality must itself change or be doomed ultimately to collapse. The time of collapse depends largely on whether the peoples who remain free produce spiritual, intellectual, and material richness and a faith which can penetrate any iron curtain. The captive peoples should know that they are not forgotten, that we are not reconciled to their fate, and, above all, that we are not prepared to seek illusory safety for ourselves by a bargain with their masters which would confirm their captivity.

These are our purposes. We have not forgotten the Atlantic Charter¹ and its proclamation of "the right of all peoples to choose the form of government under which they will live." We still share the wish expressed in that Charter, "to see sovereign rights and self-government restored to those who have been forcibly deprived of them."

This is an hour when it is particularly important that our Nation's dedication to these principles should be made manifest. We approach a possible meeting with the representatives of the Soviet Union. I can assure you that we welcome opportunities to settle specific disputes between us; to end the race in armament, particularly atomic armament; and to reduce the risks of war.

But let me also assure you of this. We do not look on the conference as a place where we *surrender* our principles, but rather as a place for making our principles prevail. That is our resolve, a resolve which I am confident is backed by the Congress and by the American people.

¹ Anglo-American Declaration of Aug. 14, 1941; *A Decade of American Foreign Policy*, pp. 1-2.

**14. REMARKS BY THE SECRETARY OF STATE
LATVIAN CHARGÉ D'AFFAIRES AT WASHINGTON
24, 1954 ²**

I have received from your hands the letters of April which Mr. Charles Zarine, Minister of Latvia in London, of the special emergency power of the last independent of the Republic of Latvia, presents you to me as Chargé of Latvia in the United States. You come in succession to Jules Feldmans whose distinguished and devoted service in sending his country to the United States were cut short by death last year.

In accepting you as Chief of the Latvian Mission in Washington in the capacity of Chargé d'Affaires, this Government reaffirms its heartfelt support for the Republic of Latvia and for the principle, expressed in the Atlantic Charter, that sovereignty and self-government shall be restored to those who have been deprived of them.

I am confident that in carrying on the work to which your predecessors gave themselves unsparingly in defense of the cause of Latvia, you will enjoy, as they did, the dedicated support of Americans everywhere. I am happy to welcome you to this country and to assure you every success in undertaking your duties here. I am assured that my associates in the Department and I will be ready to help you in every way we can.

I would ask you to thank Minister Zarine for his expressions of good wishes, which are warmly reciprocated, on behalf of the Latvian people and himself for the welfare and prosperity of the United States.

**15. STATEMENT BY THE SECRETARY OF STATE
FEBRUARY 15, 1955 ³**

The peoples of Lithuania, Latvia, and Estonia will celebrate this year the 37th anniversary of the declaration of their independence. On this occasion I would like to express the deepest sympathy and warmest friendship of the American people. Despite the efforts of Soviet rulers to hide the nature of their administration in the Baltic States, the plight of the Baltic peoples is much in our thoughts.

There are many signs that the Baltic peoples have resisted the devices of Soviet terror and propaganda.

EASTERN EUROPEAN COMMUNIST REGIMES

Through our contributions to the material and spiritual s of the free world, we seek to create conditions under which th of the Baltic peoples to resume their place in the community nations will be universally respected. We are convinced world community in which the Baltic peoples are free to choo own form of government and their own political and econo stitutions is likely to be one which will assure peace, with just all nations, large and small.

D. BULGARIA

16. SEVERANCE OF DIPLOMATIC RELATIONS: Note From American Legation at Sofia to the Bulgarian Foreign Ministry, February 20, 1950¹

The Legation of the United States of America presents its compliments to the Minister for Foreign Affairs of the People's Republic of Bulgaria and has the honor to refer to the Legation's note of January 20, 1950,² in reply to the note delivered by the Bulgarian Legation in Washington to the Department of State on January 19, 1950,³ requesting the recall from Bulgaria of the American Minister Donald R. Heath, as *persona non grata*.

As indicated in the statements of the Under Secretary of State James E. Webb to the Bulgarian Chargé d'Affaires ad interim in Washington on December 12, 1949,⁴ the United States Government took a most serious view of the Bulgarian Government's conduct toward Minister Heath in connection with the trial of Traicho Kostov and others, in particular the charges against Mr. Heath, the results of which the Bulgarian Government itself was in a position to maintain. The Under Secretary made it quite clear that these accusations coming as they did on top of a long series of intolerable restrictions and indignities to which the American Legation in Bulgaria has been subjected, inevitably affected relations between the two countries and compelled the United States Government to warn the Bulgarian Government that it could not ignore such deliberate and unwarranted actions which were in complete disregard of normal practice and the proper conduct of international relations.

The Bulgarian Government, however, persisted in its con-

conduct. On January 19, 1950, it requested the immediate recall of Minister Heath from Bulgaria on the grounds that, by alleged "contacts" with Kostov and others, he had "allowed himself to take action not in line with his diplomatic functions" and thus had "shown abrupt interference in the interior affairs of the People's Republic of Bulgaria concerning its sovereignty as well as its national security." This action on the part of the Bulgarian Government, in putting forward wholly unfounded charges against the principal diplomatic representative of the United States as the basis of a demand for his recall, could be taken by the United States Government only as a confirmation of the mounting evidence that the Bulgarian Government was unwilling, in its relations with the United States, to observe accepted standards of international comity.

The United States Government, in its note of January 20, 1950, stated that unless the Bulgarian Government withdrew its note of January 19 and demonstrated its willingness to observe established international standards of conduct, the United States Government must conclude that the Bulgarian Government did not desire to maintain normal relations. Over a period of 4 weeks the Bulgarian Government did not have the courtesy to reply. On February 16, 1950, it was advised by the Department of State that the long delay had created a situation which could not continue indefinitely and was requested to reply immediately. No reply has been received. The conclusion is inescapable that the Bulgarian Government is unwilling to modify the position it has taken that it is unwilling to treat American official representatives in Bulgaria in accordance with the standards of established international practice; and, consequently, that it is unwilling to maintain normal diplomatic relations with the United States.

Diplomatic relations between the United States and the postwar Government of Bulgaria, since their establishment in September 1947,¹ have not been on a basis which could be called friendly or cordial. Cordiality was scarcely to be expected when Bulgarian officials and the controlled press were constantly denouncing and insulting the United States, and when the Bulgarian Government was violating its peace treaty² obligations, ignoring resolutions of the United Nations, and supporting armed action against Greece. It was the hope of the United States Government, however, that relations if not cordial, at least might be correct. But the treatment accorded to the American Legation in Sofia, including crippling restrictions on the entry and movement of American officials assigned to the Legation and an unprincipled campaign of persecution against the Legation's Bulgarian employees, left no doubt that the Bulgarian Government

with the Bulgarian people, with whom ties of friendship have linked them in the past.

The Government of the United States will continue to maintain its feeling of friendship for the people of Bulgaria and to manifest in every appropriate way its deep interest in their welfare. The Government of the United States, however, is reluctantly compelled to conclude that it is no longer possible, in view of the present attitude of the Bulgarian Government, for the American Minister and his staff to remain in Bulgaria. They have received instructions to leave Bulgaria as soon as possible. At the same time, the Government of the United States requests the recall of the Bulgarian diplomatic mission from the United States.

17. RELIGIOUS PERSECUTION IN BULGARIA: Statement by the Department of State, October 20, 1952¹

The Bulgarian Government has just staged (Sept. 29–Oct. 3) another of its elaborate “trials” of religious leaders, designed, in this instance, to destroy the last remnants of the Catholic Church in Bulgaria. As in the infamous trials of Bulgarian Protestant leaders in the spring of 1949, the 40 Catholic leaders accused in this latest “trial” were charged with various vaguely defined anti-State activities, including, in the course of the proceedings, allegations that certain of the defendants had engaged in espionage as employees of “the Americans” and had for this purpose been in touch with a U.S. Government official on duty with the former American Legation in Sofia.

These charges are groundless and absurd. The same crude attempt to accuse the U.S. Government and its official representatives in Bulgaria of being involved in clandestine efforts to overthrow the Bulgarian Government has recurred in each of the many “trials” in which the Soviet satellite dictatorship in Bulgaria has sought to eradicate every form of opposition to its regime.

Cynical disregard for the truth characterized the whole “trial.” At the end, the court dutifully meted out the sentences—four defendants, including one bishop to be shot, all but five of the rest sentenced for periods ranging from 10 to 20 years.

In a speech just prior to the trial, Bulgarian Minister of Interior Georgi Tsankov revealed with crude brutality the atmosphere in which the trial was to be staged. “Let all [who oppose the Communist regime] know,” he said, “that the People’s Rule, through the organs of the Ministry of Interior, is able to put everyone where he belongs.”

tions of its solemn obligation to guarantee human rights and mental freedoms to its citizens, has by this new act proved justly its vicious tyranny deserves the condemnation everywhere.

18. BULGARIAN SUGGESTION FOR RENEWAL OF DIPLOMATIC RELATIONS: Statement by the Department of State, September 10, 1953¹

The Department has noted with interest the recent statement of the Bulgarian Prime Minister regarding the present lack of relations between his government and the United States. It does not serve any useful purpose to review at this time the circumstances which led to the suspension of relations in 1950.² The Department would like to take this opportunity, however, to reaffirm the strong and deep and abiding friendship which the American people have toward the people of Bulgaria.

19. DESTRUCTION OF ISRAELI AIRCRAFT: Note of Protest from the United States Government to the Bulgarian Government, August 1953, submitted by the Swiss Chargé d'Affaires at Sofia), August 1953

The United States Government protests emphatically the brutal action of Bulgarian military personnel on July 23, 1953, in firing upon a commercial aircraft of the El Al Israel Airline, which was lawfully engaged as an international carrier. This action resulted in the destruction of the aircraft and the death of several persons aboard, including several United States citizens, a grave violation of accepted principles of international law. The Bulgarian Government has acknowledged responsibility for this action.

The United States Government demands that the Bulgarian Government (1) take all appropriate measures to prevent a recurrence of incidents of this nature and inform the United States Government concerning these measures; (2) punish all persons responsible for this incident; and (3) provide prompt and adequate compensation to the United States Government for the families of the United States citizens killed in this attack.

¹ Department of State *Bulletin*, Sept. 21, 1953, p. 375.

² See the U.S. note of Feb. 20, 1950, to the Bulgarian Government.

20. EIGHTH ANNIVERSARY OF THE EXECUTION OF NIKOLA PETKOV: Statement by the Under Secretary of State,¹ September 22, 1955²

Eight years ago tomorrow Nikola Petkov, a great Bulgarian patriot, was hanged in Bulgaria. After a trial which made a mockery of justice, he was judicially murdered on September 23, 1947, in order that communism in his country might triumph.³

Nikola Petkov was a courageous liberal and a valiant defender of democracy in his country. His countrymen will never forget the boldness and selflessness with which he and his colleagues fought Communist injustice even after their cause seemed lost. That the Communist press in Bulgaria should finally have described his death as an "imperative state necessity" is striking evidence of the vigor of his struggle.

Although Nikola Petkov's voice and pen have been silenced, his spirit still lives. His devotion to the cause of justice and democracy will ever serve as inspiration to his countrymen and to all liberty-loving people who look forward to the day when the captive people can once again live in freedom under governments of their own choosing.

E. CZECHOSLOVAKIA

21. CLOSING OF UNITED STATES INFORMATION SERVICE LIBRARIES AND THE CZECHOSLOVAK CONSULATE GENERAL AT CHICAGO: Note From the American Embassy at Prague to the Czechoslovak Foreign Ministry, April 21, 1950⁴

The American Embassy presents its compliments to the Czechoslovak Ministry of Foreign Affairs and has the honor to refer to its note dated April 19, 1950⁵ demanding that the United States Information Service libraries of the Embassy in Praha and the Consulate General in Bratislava be closed immediately and that the United States press attaché, Joseph C. Kolarek, be recalled.

The United States Government considers the demand for the closing of the United States Information Service libraries and the recall of the United States press attaché as utterly unwarranted and based on demonstrably untrue charges. These offices of the Embassy are

activities to efforts to promote mutual understanding between the people of Czechoslovakia and the people States. Such activities have departed in no way from functions of diplomatic and consular establishments in the information fields.

The United States Government, therefore, strongly regrets that the legations of the Czechoslovak Government made demands directly that Mr. Kolarek, other American official representatives, and Czechoslovak employees were engaged in any improper activity in the pursuit of their duties. Mr. Kolarek concerned himself only with his official functions relating to press, information, and cultural relations and never acted in any way which might be regarded as prejudicial to his diplomatic office. In view of the allegations of the Czechoslovak authorities, the United States Government can only conclude that the Czechoslovak Government does not adhere to the diplomatic standards normally observed by the community of nations.

The methods employed by the Czechoslovak authorities to obtain a pretext for this provocative action will themselves refer to the before the judgment of world opinion. Thus, the statement of Czechoslovak citizens, Ivan Elbl and Ruzena Soumarova, at the United States Information Service library in Praha, was obtained and cited by the Czechoslovak authorities only after the Czechoslovak local employees of the library were arrested on April 6, 1955, to police pressure for 36 hours prior to their release. The Czechoslovak authorities also cited the declaration of Jaroslav Elsner and Dagmar Kacerovska, two other Czechoslovak citizens formerly employed by the library, who were convicted of espionage and plotting against the Czechoslovak Republic in a court of law and sentenced to 18 and 15 years of imprisonment. Such "confessions" as were obtained from these unfree prisoners of police action resulted only after they had been arrested and held for approximately one month prior to the trial.¹

The complete worthlessness of such charges as are made in these statements is demonstrated by the facts set forth in the affidavit of the director of the United States Information Service in Praha, Miss Katherine Kosmak, a copy of which was furnished to the Embassy's note of April 17.² This affidavit makes clear how the Czechoslovak police tried to intimidate and exploit a citizen in the official employ of the Embassy and exploit the relationship in the effort to build a propaganda case, whatever, against the United States Information Service in the Embassy. This affidavit reveals the hollowness of the charges and the improper conduct of the Czechoslovak police.

Service libraries have functioned without legal title. The United States Government does not accept this unusual conception of international relations. The United States Information Service libraries of the Embassy in Praha and the Consulate General in Bratislava were established in Czechoslovakia as in other countries as an integral component of the official representation of the United States. Such cultural and information functions are carried on without special agreement as a universal element in the diplomatic life of nations today.

The Czechoslovak Government never contested this principle until it felt obliged to seek excuses for its attempt, in accordance with an emerging pattern of procedure among the Communist-dominated countries of Eastern Europe, to isolate the Czechoslovak people from the outer world. The United States and other countries can only infer that the present government by its demand to close the libraries reveals its fear of the free exchange of information and the maintenance of free cultural contacts with other peoples. It is only too evident that the present government is moved by fear to impose barriers to the entry of truth from abroad and to the free inquiry of minds at home. This obvious fear of truth is not in the tradition of the Czechoslovak people, who have shown throughout their history a stubborn aversion to attempts at thought control. The Government and people of the United States are convinced that such efforts of the Czechoslovak Government to repress freedom of thought and the desire for impartial information will never stand the test of time in the modern world.

It is, likewise, obvious that the Czechoslovak Government professions in behalf of world peace and mutual understanding between nations lack any meaning and constitute, on the contrary, a systematic campaign to mislead the public of Czechoslovakia and other countries. The United States Government is reluctantly obliged to conclude that the Czechoslovak Government no longer cares whether it observes diplomatic principles and the conventions of courtesy in international life.

The United States Government is obliged to comply with the Ministry's demand that it close its information libraries in Czechoslovakia and recall the press attaché, Mr. Kolarek. The Czechoslovak Government must, however, expect that its action cannot escape serious consequences affecting various aspects of the relations between the two governments. The attitude of the Czechoslovak authorities compels the United States Government to review the scope of activities of Czechoslovak establishments in the United States. Since the Czechoslovak Government has unjustifiably insisted on the curtailment of the normal diplomatic and consular functions of the United States in Czechoslovakia it will understand the request made hereewith, as an immediate result of that review, that it close its Consulate General in Chicago, Illinois, not later than May 1, 1950.

22. REDUCTION OF UNITED STATES REPRESENTATION IN CZECHOSLOVAKIA AND CLOSING OF CZECH CONSULATE GENERAL AT NEW YORK: Note of American Ambassador at Prague¹ to the Czechoslovak Minister,² May 27, 1950³

I am directed by my Government to state that it can conforming to the generally accepted principles and international comity that a receiving state shall attempt and unilaterally to determine the composition of the missions of a state with which it maintains relations. My Government has previously rejected, and rejects on such allegations the Czechoslovak Government has put forward as pretext for the reduction of United States representation in Czechoslovakia. The United States Government, furthermore, expressing confidence in the good will and traditional friendship of the people of Czechoslovakia toward the United States, and the efforts of the Czechoslovak Government to sever friendly relations between the American and Czechoslovak people.

In view, however, of the repeated provocations and attacks against the United States and United States residents in Czechoslovakia during the past few weeks, it is clear that the Czechoslovak Government has belied its stated intention of maintaining peaceful relations among nations and has made clear that it is no longer interested in maintaining normal diplomatic relations with the United States. The United States Government, while reserving its rights and customary privileges, intends to reduce its official representation to conform with conditions arbitrarily imposed by the Ministry's note under reference.

In view of the forced reduction of its personnel in Czechoslovakia and in recognition of the curtailed relations between the United States and Czechoslovakia imposed by the Czechoslovak Government, the United States Government hereby announces its intention to close its Consulate General in Bratislava and requests the Czechoslovak Government to close within two weeks its Consulate General, including the office of the American counselor, in New York.

¹ Ellis O. Briggs.

² Viliam Siroky.

³ Department of State *Bulletin*, June 12, 1950, pp. 974-975. A note of May 23, 1950 (not printed) had requested the United States to reduce its official personnel in Czechoslovakia to 12 persons. See also statement of May 27, 1950, by the Department of State; *ibid.*, p. 974.

23. CZECHOSLOVAK CHARGES REGARDING BORDER VIOLATIONS AND RADIO BROADCASTS: Note From the American Embassy at Prague to the Czechoslovak Foreign Ministry, June 19, 1951¹

The American Embassy presents its compliments to the Czechoslovak Ministry of Foreign Affairs, and with reference to the Ministry's note of May 21, 1951,² concerning the question of border violations, certain broadcasts in Czech and Slovak languages, and related matters, has the honor, pursuant to instructions of the United States Government, to make the following reply:

With respect to the charges of violations of the border between Czechoslovakia and the Federal Republic of Germany by United States military personnel, the Ministry's note states that on May 4 at 6 or 7 a. m., military personnel in two autos crossed the Czechoslovak frontier between frontier markers 22 and 23, drove around frontier barriers on both sides of the frontier, studied frontier installations, used field glasses and photographed certain objects.

The Embassy informs the Ministry that the United States Government does not condone any violation of the Czechoslovak frontier by members of its armed forces whether on the ground or in the air.

An investigation of the incident referred to in the Ministry's note has been made. The results of this investigation indicate that the crossing of the Czechoslovak frontier by American military personnel at the place indicated did in fact take place and that it was unintentional and inadvertent. The American military personnel in question entered Czechoslovak territory to the maximum depth of 5 yards and remained there approximately 5 minutes.

The report received by the Ministry is inaccurate in two respects. Members of the American patrol, which numbered six men, took no photographs; furthermore, they drove around one road barrier but not two, as they stopped before reaching the second barrier.

The explanation of this unwitting crossing of the Czechoslovak frontier appears to be that all members of the patrol, including the leader, were unfamiliar with this segment of the frontier and were carrying out their first patrol in this area. Furthermore, there was no sign indicating the presence of the border which led the patrol leader to assume that the second barrier marked the international boundary. He, as well as members of his patrol, failed to see the unpainted border stones in line with the first barrier. No member of this patrol realized he had been in Czechoslovakia until so informed later by the investigating officer.

before passing the first barrier constituted a failure to judgment.

The Embassy assures the Ministry that all possible steps taken by the appropriate United States authorities to prevent recurrence of such an incident.

As stated, the United States Government does not consider a violation of the Czechoslovak frontier by members of its armed forces and by the same token will not tolerate the violation of the United States Zone of Germany by Czechoslovak personnel. In addition the United States Government calls the attention of the Czechoslovak Government to two recent violations in which armed forces of the Czechoslovak armed forces crossed the border. On May 23 from approximately 0930 to 1000 hours six Czechoslovak soldiers crossed illegally within the United States Zone of Germany at the Regnitz River east of Hof in the American area. Furthermore, Czechoslovak soldiers threatened a German national, Margarete Rausch, with a machine-pistol while within the United States Zone of Germany.

At approximately 0930 May 24 two Czechoslovak soldiers mounted from vehicles in Czechoslovakia, crossed the border at the Regnitz River and penetrated into the territory of the United States Zone of Germany to the depth of approximately 350 yards. The Czechoslovak soldiers told Mrs. Rausch that she had been cutting grass in Czechoslovakia and must return with them. Despite her insistence that she had no time had she been in Czechoslovakia, one of the soldiers pointed a machine-pistol into her back and forced her to return to a place, likewise in Germany, where she had been working. There more Czechoslovak soldiers joined the group and laughed at her. They told them they were all standing in Germany. Her husband, Hans Rausch, came up and also told the soldiers they were in Germany. During the course of this conversation a seventh Czechoslovak soldier, presumably the one in command, remained in Czechoslovakia near one of the border markers and finally signalled to the others who thereupon left the United States Zone.

The American military authorities were immediately alerted to this violation of the United States Zone of Germany and on the morning (May 24) undertook an investigation. The investigating officer and a sergeant while standing at the spot in Germany where the Czechoslovak soldiers first intercepted Mrs. Rausch, observed the Czechoslovak soldiers partially concealed in the brush on the Czechoslovak side of the border with their weapons aimed at the Americans. American soldiers started towards the Rausch house, but the Czechoslovak soldiers fired two shots, apparently not aimed at the Americans.

ing three unarmed civilians and a member of the uniformed Czechoslovak Security Police armed with a machine pistol, was observed crossing the border twice and penetrating the United States Zone each time to a depth of 10 or 15 yards near Wies. The improvised road used by the Czechoslovak personnel was clearly in the United States Zone. After the second unauthorized entry of the armed member of the Security Police, he was apprehended by a patrol of the United States constabulary. He was returned to Czechoslovak authorities at approximately 2330 on June 7.

The United States Government considers these actions as entirely uncalled for and regards the first incident as particularly flagrant. The Ministry is requested to undertake a careful investigation to determine who was responsible for these border violations and to ensure that the guilty person or persons be appropriately disciplined. The Embassy expects the Ministry to show the same diligence in informing it of the results of the investigation and in assuring it that measures to prevent recurrence have been taken, as was shown by United States authorities in connection with the incident which is the subject of the first part of this note.

As to radio broadcasts, the Czechoslovak Government asserts that the United States Government utilizes broadcasting stations for activities hostile to Czechoslovakia and in so doing broadcasts false news and propaganda of incitement against Czechoslovakia and its people. Although the Ministry may by this reference intend to make accusations against the Voice of America and Radio Free Europe as well as purely commercial broadcasting stations, its statements on the subject appear to relate chiefly to Radio Free Europe. It should be made clear at once that the Voice of America represents a radio broadcasting organization of the United States Government while Radio Free Europe was organized and is operated by a group of private citizens. It is a division of a corporate body, the National Committee for a Free Europe, which is incorporated in the State of New York. More than 6 million American citizens are supporting Radio Free Europe. Thus while the American people have a direct interest in the activities of Radio Free Europe, the United States Government does not.

Since Radio Free Europe has established broadcasting stations in Germany the interest of the United States Government as an occupying power is involved but it is limited to matters concerning frequency usage and observance by Radio Free Europe of any laws and regulations of the Allied High Commission that may be applicable. Radiocensorship does not exist in the territory of the Federal Republic of Germany and freedom of speech prevails there as in the United States. It is believed that this policy is fully in accordance with the obligation

States Government does not attempt to censor the American or nonofficial radio transmissions either from the United States or from the United States Zone of Germany. It is not, therefore, desirable to exercise control over these organizations in violation of the principle of freedom of information.

Nothing in this policy violates any international agreement concerning Germany, or any other international agreement to which the United States Government is a party, or is contrary to any principle of international law in connection with broadcasting activities. The United States Government, therefore, fails to find any basis for the charges of the Czechoslovak Government in this matter. On the contrary in observing the principle of freedom of information the United States Government considers that it is faithful to principles generally recognized among nations. If the Czechoslovak Government refers in this accusation to the use of the frequency by Radio Free Europe allocated in accordance with the "Copenhagen Plan"¹ it should be noted that neither the United States Government nor the United States authorities in Germany were signatories to the Copenhagen agreement and that it is in no way binding on them. It should also be noted that even some of the countries which have signed this agreement have deviated from its frequency assignments.

Objection is found by the Czechoslovak Government to the employment by Radio Free Europe of those persons described in the Ministry's note as "traitors of the Czechoslovak people" and "members of the mercenary Czechoslovak emigration." These men are widely recognized by the world as political refugees simply desiring a democratic government. Moreover whom the Radio Free Europe employs seems an irrelevant matter clearly not appropriate for consideration by the Czechoslovak Government, as it is not a matter for the United States Government.

The Ministry's note finally refers to a regulation of the Ministry of Finance of the Federal Republic of Germany dated February 1948 allegedly on the treatment of persons claiming to be American citizens. The Western occupation powers upon entering the territory of the Federal Republic of Germany. The United States Government has no knowledge that any such notice had been officially promulgated by the Federal Republic of Germany on a matter presumably directed to its own administrative officials and, before considering the matter further, would be greatly interested in receiving a copy of the document in the possession of the Czechoslovak authorities. The United States Government would also like an explanation of how it was acquired and what means the Czechoslovak Government has established in Western Germany for the gathering of such matter.

¹ See Annex to European Broadcasting Convention, signed at London, Sept. 15, 1948, printed by the General Secretary of the International Telecommunication Union, Bern, Switzerland, 1948.

24. AIRPLANE INCIDENT OF JUNE 8, 1951: Note From the American Ambassador at Prague¹ to the Czechoslovak Foreign Minister,² June 24, 1951³

I have the honor to refer to the Embassy's Note No. 651 of June 17 and Your Excellency's reply of June 21⁴ concerning the unintentional landing near Prague on June 8 of two United States jet planes, the pilots of which are still being detained by the Czechoslovak Government.

Your Excellency's reply takes the position that notwithstanding the unequivocal statements made by me during my conversation with you on June 15 and confirmed by the Embassy's note of June 17, the Czechoslovak authorities must examine "whether this really was a training mission and whether the Czechoslovak aerial border has truly been violated unintentionally." Your communication indicates that the investigation is still in progress, apparently seeking thereby to justify the continued detention of the two pilots.

My Government directs me strongly to reiterate the request made orally on June 15 and repeated in the Embassy's note of June 17 that the pilots in question be released without further delay. Your Excellency is reminded that these two young men have already been in the hands of the Czechoslovak authorities for 16 days, although according to the information the pilots could possibly possess concerning the plane having become lost on a training flight and their landing in Czechoslovakia must have been communicated by them to the authorities during the first few hours, if not during the first few minutes after their emergency landing in this country on June 8.

Your Excellency is further reminded that although during our conversation on June 15 you declared the pilots are not prisoners, they have been and are still being held incommunicado, and efforts on the part of the Embassy to visit them and ascertain their personal welfare have been unavailing.

With respect to the statement in Your Excellency's note that the United States planes intentionally and systematically cross the Czechoslovak border, my Government declares that such charges are false and furthermore an unintentional crossing of the border by lost planes, as occurred on June 8, does not constitute, and would not be so considered by nations generally, "flagrant violation of the most fundamental principles of international law prohibiting any flights of military planes over the territory of another state without its express consent."

Furthermore, with reference to 116 alleged violations of Czechoslovak territory referred to in the enclosure to Your Excellency

therefore it is difficult for a proper investigation to be made by the appropriate authorities. I may mention that the Embassy has brought to the Ministry's attention the importance of speedily supporting alleged violations.

In view of the fact that it was not the intent of the flight over Czechoslovakia, the presence of guns and ammunition on board was unintentional vis-à-vis Czechoslovakia as was the presence of the aircraft themselves. Loaded guns are frequently carried on United States military aircraft on operational training flights over the United States Zone as is common of air forces of all nations. The key matter after all is that the planes were lost and did not cross the Czechoslovak frontier by intention.

I must again remind the Ministry, as the Embassy did in Note No. 558, February 7,¹ that no reply was received to the Note No. 422, August 28, 1950,² requesting that investigation be made of a number of violations of the United States Zone by Czechoslovak aircraft. The aircraft guilty of these violations are described in detail. Also, the requested assurances that no instructions be issued to Czechoslovak aviators to perpetrate further violations have not been received. Furthermore, the Embassy has been informed that such violations are continuing.

The United States Government does not admit the right of Czechoslovakia to continue to detain the two pilots of the jet plane which was shot here unintentionally on June 8, the immediate release of which is again requested.

25. OATIS CASE: Statement by the Department of State July 4, 1951³

The mock trial of the Associated Press representative William N. Oatis, has now been brought to a conclusion. The sentencing is but an epilogue to this ludicrous travesty in which the victim was required to speak his prefabricated "confession" as a part of a public spectacle exhibiting all the

¹ Not printed.

² Not printed.

³ Department of State *Bulletin*, July 16, 1951, pp. 92-93. Mr. Oatis was arrested Apr. 23, 1951. On July 4, 1951, he was found guilty of espionage and sentenced to 10 years' imprisonment, subject to reduction to 5 years for good behavior. Three Czechoslovak employees of the Associated Press Bureau were also sentenced to terms ranging from 16 to 20 years. For the details relating to the Oatis trial, see *ibid.*, Aug. 20, 1951, pp. 283-288, and Aug. 27, 1951, pp. 311-312. See also H. Con. Res. 140, Aug. 23, 1951, in

when Oatis was held incommunicado for 70 days between his arrest and presentation in court.

The proceedings revealed the flimsiest kind of alleged "evidence," even more insubstantial than the Communists are accustomed to produce in trumped-up trials of this type. For example, the normal routine requests of the Associated Press for news reports, openly transmitted by wire, were distorted into "espionage missions" on orders from centers in New York and London."

Such an attempted hoax on the intelligence of world opinion would fool no one. While it had all the trappings of legal procedure, it was in fact a kangaroo court staged before the klieg lights of propaganda. Its purpose was purely intimidation and propaganda designed to strike at the United States press services and against the free press of the world.

The "confession" of "espionage" was in truth but the admission of an American reporter that, in the high traditions of his profession, he was attempting under the most unfavorable conditions to report a true picture of conditions and events in Czechoslovakia as he saw them.

The Czechoslovak regime has clearly demonstrated that it considers legitimate and normal news gathering and reporting as "espionage." As the prosecutor publicly stated, Oatis was held to be a particularly dangerous "espionage" agent because he insisted on obtaining accurate, correct, and verified information. To do this is "a crime," according to the concepts of the present Czechoslovak authorities, who find any press activity except the transmission of official propaganda to be "espionage." The Czechoslovak Government thus rejects completely the principle of freedom of information. It is presumed that the press of the free world will so view this turning back of the clock.

The proceedings of this especially arranged spectacle also included a number of groundless accusations against the American Ambassador and other members of the United States Embassy staff. These were invented as a part of the entire propaganda performance in attacking the United States.

This action comes as a climax in the treatment of American citizens in Czechoslovakia. It has accordingly been necessary to recognize that it is no longer safe for American citizens to go to that country and to prohibit private travel there until further notice.¹

If further evidence were needed, the arrest, the detention for months without access to friend, Embassy representative, or trusted legal counsel, the forced "confession" to fabricated charges, the shabby "conviction" of William N. Oatis shows that the present regime in Czechoslovakia fears truth, hates liberty, and knows no justice.

¹ See statement of June 2, 1951, by the Department of State; Department of State *Bulletin*, June 11, 1951, p. 932.

26. OATIS CASE: House Concurrent Resolution 14
Congress, 1st Session), August 23, 1951¹

WHEREAS the arrest and conviction of William N. Oatis, correspondent for the Associated Press in Prague, Czechoslovakia, is a shocking violation of the fundamental human freedoms guaranteed in the United Nations Charter; and

WHEREAS the treatment of William N. Oatis demonstrates that the Czechoslovak Government has willfully repudiated the principle of free information which is so essential to peaceful cooperation and friendly relations among the people of the world; and

WHEREAS the persecution by the Government of Czechoslovakia of other American citizens is condemned and deplored by the Congress of the United States, and throughout the free world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring): That the Congress of the United States expresses its profound indignation at the arrest, sham trial and unjust conviction of William N. Oatis; that the executive agencies of the Government be directed to take all possible action to bring about his release; and that the sense of this resolution be conveyed by the proper officials of the Government to the United Nations and to the officials of the Czechoslovak Government.

Be it further resolved, That it is the sense of the Congress that commercial relations with Czechoslovakia should be suspended immediately, and should be resumed only if and when the Government of Czechoslovakia restores to William N. Oatis his freedom.

27. CZECHOSLOVAK CHARGES REGARDING AMERICAN FOREIGN POLICY IN GERMANY: Note From the American Embassy in Prague to the Czechoslovak Foreign Ministry, September 1951²

The American Embassy presents its compliments to the Czechoslovak Ministry of Foreign Affairs and has the honor to acknowledge instructions from its Government, to the Ministry's note of September 1951,³ setting forth various charges about U.S. policy in Germany and the activities of the Sudeten population transferred to Germany. The Embassy emphatically rejects the allegation that the American Government is fostering militarism and irredentism in Germany. Such charges have no basis whatever in fact and the Embassy

As indicated in the Embassy's statement of November 8, 1947, the objective of the U.S. authorities in Germany has been, and is, to bring about as soon as possible the assimilation of Germans transferred from Czechoslovakia to the U.S. zone into the German economic and social structure as well as the identification of their interests with those of Germany. This purpose is, of course, being accomplished in a democratic manner, permitting organizations among such persons seeking to protect or improve the welfare of members, and permitting also peaceful and orderly expression of views.

The basic democratic principle of free expression of views including those not concurred in by others is apparently not understood by the present Government of Czechoslovakia. Strict controls over freedom of speech such as are imposed on the people of Czechoslovakia do not accord with democratic traditions on which the Federal Republic of Germany, as well as the Western occupying powers, is based.

In pursuance of the policy of fostering the development of free and democratic institutions in Germany, the Occupation Statute of April 10, 1949,² was enacted. Under this statute the U. S. authorities no longer exercise control over the establishment of organizations in the U.S. zone which engaged in political activity. The activities of such organizations are within the scope of the Constitution of the Federal Republic of Germany, which became effective on May 22, 1949.³ This constitution does not provide for controls by a single totalitarian party, such as once existed in Nazi Germany and now exist in certain other countries.

The Ministry has protested because Franz Bluecher, Vice Chancellor of the Federal Republic of Germany, attended a meeting at Frankfurt on July 1, sponsored by the Union of East German Compatriots, and made a statement described by the Ministry as "provocative."

The U.S. Government has found no evidence that Dr. Bluecher in his statement manifested "aggressive designs" as alleged by the Ministry and regrets that his remarks were distorted in this fashion. Dr. Bluecher spoke of the Charter of East German Compatriots adopted August 5, 1950, and took as his principal thesis the following sentence from the charter: "We, the expellees, renounce all thoughts of revenge and retaliation and shall support with all our strength every endeavor directed towards the establishment of a United Europe in which nations may live in freedom from fear and force."

The U.S. Government fails to understand how a speech based on the concept of "a united Europe in which nations may live in freedom from fear and force" which appears to accord with the interests and hopes of all European peoples, is considered "provocative" and "aggressive" by the Czechoslovak Government.

¹ *Ibid.*, p. 629.

² *A Decade of American Foreign Policy*, pp. 586-588.

³ *Germany, 1947-1949: The Story in Documents* (Department of State publication 3556; 1950), pp. 283-305.

Steps are now being taken toward the ideal of such a union by various democratic Governments in Europe, including the Republic of Germany. This development is encouraged by the U. S. Government as an important contribution to the stability and progress of Europe so that smaller nations can live in peace and freedom, without fear of attacks and impositions from neighbors such as took place in Central Europe prior to the last war, and again in Eastern Europe since 1945.

The U.S. support of peaceful international cooperation provides a striking contrast to the apparent intent of the Czechoslovak Government as evidenced by the note under reference and the Prague Declaration. By consistent distortion of facts, by attacking freedom of speech and information both at home and abroad, by seeking to isolate the Czechoslovak people from contact between the people of Czechoslovakia and other peoples of Europe whereby free international cooperation may be achieved, the Czechoslovak Government is contributing not to peace but to increased international tension. Such actions, in the interest of the Czechoslovak Government, are not in the interest of the people of Czechoslovakia or of Europe as a whole.

Despite the accusations of the Czechoslovak Government, the policy of the United States and its allies is aggressive and defensive. Consideration is being given to including German armed units in the Western defense forces, the reasons for the present strengthening of European defenses is clear to all who objectively examine the recent developments. At the close of the war the United States and other Western countries, looking forward to a peaceful future free of bloodshed, effectively demobilized their forces.

In contrast the Soviet Union alone maintained vast numbers of men under arms. At the same time that country employed a policy of breaking agreements designed to serve as a basis for future peace, initiated a policy of conquest and threatened future peace further by arming satellite regimes, including those in the Soviet zone of occupation in Germany.

The free countries of Europe, in cooperation with the United States, had no recourse therefore but to take measures for common defense. While undertaking such a program, however, the concept of a free Europe is not lost sight of but strengthened. The Czechoslovak Government in abetting Soviet propaganda and tactics stands firmly opposed to efforts of free countries to live in peace, freedom and working peacefully together.

28. TRAIN INCIDENT OF SEPTEMBER 11, 1951: Note From the American Embassy at Prague to the Czechoslovak Foreign Ministry, October 1, 1951¹

The American Embassy presents its compliments to the Czechoslovak Ministry of Foreign Affairs and has the honor to acknowledge the Ministry's note of September 20² with an enclosure concerning the unscheduled departure from Czechoslovakia for Germany on September 11 last of a train carrying approximately 100 persons, a number of whom have since freely indicated their desire not to return to Czechoslovakia. In this connection the Ministry makes a number of assertions, accusations, and complaints, as well as several requests in regard to all of which the Embassy has been directed to reply on behalf of the American Government as follows:

The contents of the Ministry's note, and of publicity simultaneously emanating from official sources in Prague on the same subject, seem founded on the notion that the train in question was seized by Czechoslovak "terrorists" and that this seizure was part of a conspiracy involving these so-called terrorists and certain foreign agents. The Ministry implies that these conjoined forces are sinister, and their purposes hostile and, furthermore, that their behavior has been irritating to the Czechoslovak Government. The Ministry further implies that the Czechoslovak Government would like to get its hands on the persons who ran off with their train.

The Ministry's note employs this fiction apparently with the purpose to conceal, if possible, the fact that the direction and departure of the train from Czechoslovakia was an unaided undertaking of certain citizens of that country who adopted this somewhat unconventional method of leaving the country and simultaneously indicated their attitude. It is noted, moreover, that this explanation does not conform with the original attempt to intimate that defective brakes were responsible for the entry of the train into Western Germany. However much the Czechoslovak Government has chosen thus to explain the occurrence or attempt thereby to keep from the Czechoslovak people the actual circumstances of this departure, the United States cannot understand how the Czechoslovak authorities can seriously attempt to use this fiction in a diplomatic note to a foreign government.

To declare that a foreign agency aided in the execution of this enterprise is not only contrary to the facts but underestimates the ingenuity of the Czechoslovak citizens concerned, in which connection the Embassy has been authorized to make clear that the part played

granting political asylum to all those asserting that they desire to return to Czechoslovakia.

According to such information as has come to the knowledge of the United States Government, recent departures from Czechoslovakia have been effected among other means by such vehicles as automobiles, and trucks, as well as considerable assortment of small planes and even a glider, whereof the train is merely the largest conveyance to be employed. In addition there has been a rather substantial exodus of Czechoslovak citizens proceeding to the West. World opinion has not been accustomed to hold, as the Ministry apparently attempts to do, that such persons who have sought to leave their country in order to obtain political asylum abroad are "criminals." Based on records of the United States in Germany, one quality which these Czechoslovak citizens who have fled to Western Germany have in common is the desire for human freedom.

The American Government accordingly rejects the assertion that "grave crimes" were committed in an action involving the departure from Czechoslovakia for political reasons, or that the act can be considered to come within the purview of the extradition law mentioned in the Ministry's note. In this connection the United States made to the United States position when the Czechoslovak Government asked for the extradition as "criminals" and "terrorists" leaving Czechoslovakia for political reasons by three Czech transport planes which landed at Erding Field near Munich on January 24, 1950.¹ It was explained at that time that no basis existed for making or complying with such an extradition request under the Extradition Treaty of 1925² nor any other treaty in force between the United States and Czechoslovakia. The Treaty can be considered applicable to the question of returning to the United States Zone in Germany any of those now accepted by the Czechoslovak Government. It may be noted that Article I of the Extradition Treaty specifically excludes its application to the act or offense of a political character and recognizes the right of the receiving country to decide whether a case is of a political character. The United States has never recognized, as in the case with many other countries, any obligation to extradite in the absence of a treaty. No basis therefore exists for the claim of the Czechoslovak Government that the United States has violated any principles of international law or the stipulations of the Extradition Treaty.

The train in question had aboard approximately 100 persons when it reached Germany. Those who of their own free volition desired to return numbered 79 individuals, all of whom expressed their

States custody all appropriate facilities were provided for the comfort and welfare. The Czechoslovak Government may care to note how the United States authorities carried out this obligation of comity in comparison with the retention by Czechoslovak authorities for 26 days of two Western jet pilots in the United States jet plane who, on becoming lost and running out of fuel, were obliged to land near Praha on June 8.¹

The train itself, which has been in the custody of appropriate authorities, will be released at the frontier near Asch. It will not be necessary for Czechoslovakia to send a delegation to Germany for this purpose. It may be pointed out in this connection that the Ministry did not proceed properly in attempting at the outset to obtain release of the train by sending four representatives to the United States Zone without official notification to the United States Government.

Finally, note is taken of the statement in the communication under acknowledgment to the effect that Czechoslovakia seeks to reserve the assertion of a claim for "full compensation for damage caused to the Czechoslovak state," in reply to which the Embassy is directed to observe that whenever Czechoslovakia may feel impelled further to promote this project, that the Government may expect to receive a counter-claim including various expense incurred by the American Government in connection with the train in Germany.

As of probable interest to the appropriate Czechoslovak authorities the Embassy encloses the original signed statement of seven passengers on the train, six of whom were listed in Annex A of the Ministry's note as being "forcibly abducted . . . against their will and unlawfully detained." As the Ministry will observe, no assertion could be farther from the truth.

Since the Czechoslovak Government has already published its communications of September 20 to the American Government, it is requested that comparable publicity be given by the Czechoslovak Government to this communication.

9. THE SLANSKY TRIAL: Statement by the Secretary of State December 10, 1952²

The recent trial of Slansky³ and others which concluded with the imposing of drastic sentences of death or life imprisonment for all of the accused is another in the series of staged spectacles patterned on the purge trials at Moscow during the 30's. There is nothing new or

who survive. We may expect it to recur in the Soviet empire wherever it is deemed necessary to teach the lessons of utter unquestioning dependence upon the Kremlin and unswerving and successful compliance with its purposes.

It is an elaborate pretense with innumerable false charges, forced testimony, and induced confessions but its essence is a technique of totalitarian control. It is designed to terrorize satellite regimes, to punish them for shortcomings, to compel greater exertions, to produce scapegoats, and to provide a propaganda demonstration of the Kremlin's favorite hates whether states, organizations, or individuals of the free world.

As to the anti-Israel, anti-Zionist and anti-Jewish aspects of the trial, occasion was taken to introduce numerous hostile allegations against the Zionist movement and the State of Israel. It is not yet clear what consequences this development may have for Jews generally in Czechoslovakia and in other satellite areas of Eastern Europe.

The record of the proceedings presents an interesting review of all the deficiencies of the regime in Czechoslovakia since the February coup as adjudged by Moscow. That it was necessary to have this trial is evidence of Moscow's dissatisfaction with what the Communists have done or failed to do in Czechoslovakia, especially with [the] performance of that country in the economic sphere.

30. AIRPLANE INCIDENT OF MARCH 12, 1954: Note From the American Embassy at Prague to the Czechoslovak Foreign Ministry, March 24, 1954¹

The competent American military authorities have made a detailed investigation of the incident alleged in the Ministry's note² and have found that two American aircraft on a routine training flight did in fact through error in navigation cross the Czechoslovak border at approximately the hour stated in the Ministry's note and thus penetrated inadvertently into Czechoslovakia. Unaware of their error these aircraft were peacefully returning to their base when set upon without warning by Czechoslovak fighter aircraft who crossed into the territory of the German Federal Republic.

The investigation established without any question that no warning was given by the Czechoslovak aircraft before opening fire and despite this hostile act neither of the American aircraft ever fired upon or attempted to fire upon the Czechoslovak aircraft. Reports from reliable witnesses and empty shell cases found within the territory of

meet when the American aircraft were flying over the territory of the German Federal Republic. This penetration of the German border by the Czechoslovak MIG 15 fighter took place near the town of Waldmuenchen, longitude 49 degrees 23 minutes north and latitude 12 degrees 43 minutes east.

The Embassy wishes to express its regrets for the unintentional violation of the Czechoslovak territory by American aircraft but must at the same time protest against the unjustifiable hostile act committed by Czechoslovak fighters against American aircraft.

The Embassy wishes also to request that investigation be undertaken regarding both the unwarranted attack on American aircraft and the violation of the territory of the German Federal Republic by at least one Czechoslovak MIG 15 fighter plane. The Embassy would appreciate being informed of the results of the investigation as well as disciplinary action taken against the guilty persons involved.

31. CZECHOSLOVAK PROTEST REGARDING ARRIVAL OF AMERICAN BALLOONS IN CZECHOSLOVAKIA: Note From the American Embassy at Prague to the Czechoslovak Foreign Ministry, May 24, 1954¹

The American Embassy presents its compliments to the Czechoslovak Ministry of Foreign Affairs and has the honor, upon instructions of the U. S. Government, to refer to the Ministry's note of May 5, 1954,² concerning the arrival of balloons in Czechoslovakia.

The U. S. Government is informed that the Crusade for Freedom Committee has sent messages to the people of Czechoslovakia by the vehicle of balloons. The Crusade for Freedom, an organization of private citizens, is supported by millions of Americans and expresses the aspirations of the American people for the freedom of all peoples. The messages, it has been learned, transmitted news items and discussed concrete goals in which the Czechoslovak people would be interested.

The operation was undertaken by this private organization and neither the U. S. Government nor the U. S. authorities in Germany were involved. The U. S. Government rejects the protest of the Czechoslovak Government which is without foundation.

As has been previously suggested, the United States holds firmly to the view that there must exist unobstructed communication between peoples if nations are to live in peace and freedom with one another. When a government violates this principle by trying to

slovak Government continues to deprive the Czechoslovak people the possibilities of free contact with other peoples, the free exchange of ideas and the free reception of uncensored news.

It is understandable that the American people would seek the means as are available to maintain contact with the people of Czechoslovakia with whom they had formerly enjoyed free association and with whom they share many common traditions and beliefs. The American people take a profound interest in the welfare and progress of the people of Czechoslovakia. The leaflets borne to Czechoslovakia express the interest of the American public in seeing the people there improved through the attainment of their legitimate goals. Notwithstanding, the Czechoslovak Government has declared these leaflets were subversive and inciting. It consequently has taken steps that in the eyes of the present regime in Czechoslovakia are of concrete steps to better the lot of the common man in Czechoslovakia is subversive in nature.

If the Czechoslovak Government desires that this free communication between peoples not be utilized, it lies within its power to remove the need for such media by opening the barrier to free communication to the people of Czechoslovakia. The United States is convinced that free contact between peoples everywhere will contribute to support world peace in which the Government of Czechoslovakia professes continuing interest. The U. S. Government would not be on a basis for interfering with attempts by private American citizens to establish communication with the people of Czechoslovakia or to convey to them the interest of the American people in Czechoslovakia.

32. BORDER INCIDENT OF JULY 4, 1954: Note From the United States Embassy at Prague to the Czechoslovak Foreign Ministry, July 7, 1954¹

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to inform you that United States authorities in Germany have reported that the following members of United States armed forces are in the custody of Czechoslovak border authorities . . . [names and ranks of personnel].² These soldiers were proceeding innocently with their arms along the border in the vicinity of Barnau on July 4, 1954, when they were seized by a Czechoslovak patrol at approximately 10:00 p.m. The Czechoslovak border patrol in this area has already advised that these American soldiers are in Czechoslovak custody.

3. AIRPLANE INCIDENT OF MARCH 10, 1953: Application by the United States to the International Court of Justice, March 22, 1955¹

SIR:

1. This is a written application, in accordance with the Statute² and Rules of the Court, submitted by the Government of the United States of America instituting proceedings against the Government of Czechoslovakia on account of certain wrongful acts committed by MIG-type aircraft from Czechoslovakia within the United States zone of occupation in Germany on March 10, 1953.

The subject of the dispute and a succinct statement of the facts and grounds upon which the claim of the Government of the United States of America is based are adequately set forth in a note delivered to the Czechoslovak Government on August 18, 1954. A copy of the note is attached to this application as an annex.³ The Czechoslovak Government has failed, although the time therefor has long since elapsed and although the United States Government has duly urged the Czechoslovak Government to make reply, to respond to the United States Government's note, but the Czechoslovak Government asserted its contentions in prior diplomatic correspondence on this subject, and the nature of those contentions is adverted to in the annex.

2. The United States Government notes that the present dispute concerns matters of the character specified in Article 36 (2) of the Statute of the Court, including subdivisions (a) through (d). As will be seen from the annex, the legal dispute of the United States Government with the Czechoslovak Government involves, among other questions of international law, the scope and application of international obligations relating to the overflight of intruding military aircraft, embodied in part in the Convention on International Civil Aviation, adopted December 7, 1944;⁴ the duties of the ground controllers and pilots of intruding military aircraft with respect to interception and identification by patrolling domestic aircraft in the country of intrusion; the content and application in case of such overflight of obligations to signal between patrolling and intruding aircraft; the nature of the rights, prerogatives and powers of the United States Government and the United States Air Force in the United States zone of occupation in Germany with respect to the control of a

¹ Department of State *Bulletin*, Apr. 18, 1955, pp. 649-650. See also statement of Apr. 5, 1955, by the Department of State (*ibid.*, pp. 648-649); American note to Czechoslovakia of Mar. 10 and 12, 1953 (*ibid.*, Mar. 20, 1953, pp. 474, 475).

gether with numerous issues of fact which it reserved in the United States Government would constitute breaches of obligation by the Czechoslovak Government; and the extent of the reparations to be made by the Czechoslovak to the United States Government for all these breaches.

The United States Government, in filing this application with the Court, submits to the Court's jurisdiction for the purpose of this case. The Czechoslovak Government appears not to have made any declaration with the Court thus far, although it was invited to do so by the United States Government in the note annexed to the application. The Czechoslovak Government, however, is qualified to submit its views on the jurisdiction of the Court in this matter and may upon notice be given by this application by the Registrar, in accordance with the Rules of the Court, take the necessary steps to enable the Court's jurisdiction over both parties to the dispute to be confirmed.

The United States Government thus founds the jurisdiction of the Court on the foregoing considerations and on Article 3 of the Statute.

3. The claim of the Government of the United States is briefly that the Government of Czechoslovakia on May 5, 1958, willfully and unlawfully caused MIG-type military aircraft to cross the Czechoslovak-German border, and without any provocation to pursue and attack United States Air Force F-84-type aircraft which were engaged in peaceable routine patrol of the air space over the United States zone of Germany, destroying one F-84-type aircraft and causing physical injury to the pilot thereof, an American citizen, as well as other damage specified in the annexed note. The United States Government claims that in the circumstances described in the annex these actions constituted serious violations of international obligation on the part of the Czechoslovak Government and constitute breaches of international obligation the United States Government has demanded and demands monetary and other reparation from the Czechoslovak Government.

At earlier stages of the diplomatic negotiations, which it is to be determined to have been exhausted, the Czechoslovak Government asserted an entirely contrary version of the facts, which is set forth in the annexed note. The United States Government, in its pleadings herein, will more fully set forth such issues of fact and issues of law in this dispute, for the purpose of hearing by the Court in accordance with the Statute and Rules of the Court. It requests that the Court find that the Czechoslovak Government is liable to the United States Government for the damage described in the annex and that the Court award damages in favor of the United States Government against the Czechoslovak Government in the sum of \$10,000,000, with interest, and such other reparation and redress as the Court may deem to be fit and proper; and that the Court make all other orders and awards, including an award of costs, to be determined by the Court.

4. The undersigned has been appointed by the Government of the United States of America as its agent for the purpose of this application and all proceedings thereon.

Very truly yours,

HERMAN PHLEGER
The Legal Adviser
of the
Department of State

THE REGISTRAR OF THE
INTERNATIONAL COURT OF JUSTICE,
The Hague, Netherlands.

F. Hungary

34. VOGELER CASE: Note From the American Minister at Budapest¹ to the Hungarian Foreign Minister,² February 1, 1950³

I have the honor to refer to the Hungarian Government's reply of January 7, 1950,⁴ to the note which I communicated to you under date of January 3⁵ concerning the case of Mr. Robert A. Vogeler.

I am instructed by my Government to state that it regards the above-mentioned reply of the Hungarian Government as wholly unsatisfactory. The Hungarian Government cannot, in the view of my government, avoid its international responsibilities and obligations in the Vogeler case by asserting this matter is entirely an internal affair of Hungary. The United States Government considers that it has every right to concern itself with the treatment of this American citizen, who has been detained for over two months without access to American Consular representatives or, so far as I am aware, to legal counsel. The United States Government will continue to concern itself with Mr. Vogeler's situation and until his release will hold the Hungarian Government responsible in every particular as regards his well being.

In an interview on January 19 the Deputy Prime Minister of Hungary informed me that, in spite of the repeated representations of the United States Government, Mr. Vogeler would shortly be brought to trial. The United States Government cannot accept such action as

justified, especially since the Hungarian Government has not given me any explanation of the charges against Mr. Vogeler. I refused all of my requests concerning an opportunity for American Consular Officers to see him.

The Deputy Prime Minister further informed me that Mr. Vogeler would be public in order that the world might know the correctness of Hungarian justice and assured me that he would have full opportunity to defend himself and might employ as many Hungarian lawyers as he desired. In the light of these assurances, I am directed by my government to invite your attention to the following:

Without prejudice in any way to its continuing demands for Mr. Vogeler's prompt release and liberty to depart from Hungary, the reservation of rights respecting possible claims contained in the Declaration of December 20, 1949,¹ the United States Government requests the right of Mr. Vogeler to the services of legal counsel retained on his behalf irrespective of the membership of such counsel in the Hungarian bar. In this connection, the United States Government requests that the Hungarian Government agree to the entry of a private American lawyer and such assistants as he may require, whose purpose will be to consult at once with Mr. Vogeler, the Hungarian legal counsel retained on Mr. Vogeler's behalf, to associate himself, together with his assistants, in the preparation of Mr. Vogeler's defense. Arrangements are now being made for the retention of such an American lawyer, whose name will be announced promptly to the Hungarian Government.

The United States Government insists that American Consular Officers and the legal counsel retained on Mr. Vogeler's behalf be afforded immediate and thereafter continuous access to Mr. Vogeler with assurance of adequate opportunity to converse freely with him, to prepare his case, and inquire fully into all matters which he may wish to discuss with Officers, his legal counsel, or Mr. Vogeler may consider proper for discussion. The United States Government requests that the Hungarian Government give unqualified assurances that the legal counsel serving Mr. Vogeler will be wholly free to represent his client in a forthright manner and to conduct the latter's defense in the manner best calculated to serve his interests. Further, the United States Government requests that Mr. Vogeler's legal counsel be given free access day by day to the verbatim record of the proceedings in the court in this case. The United States Government requests assurance that representatives of the American Legation, or other persons, otherwise, will be allowed to attend the trial and the

what any such allegations, if they are to be made at the trial, and a explanation of the grounds on which they are based, be communicated to me at once as a matter of right and courtesy, since such charges obviously affect the relations between our two countries.

The Hungarian Government is requested to make a prompt reply on the above matters in order that its intentions may be clearly understood and full opportunity given to Mr. Vogeler's counsel to prepare adequately for his defense and in order that the conduct of the trial may correspond with the Deputy Prime Minister's assurances. Accept [etc.]¹

5. RESTRICTIONS ON TRAVEL OF HUNGARIAN DIPLOMATS IN THE UNITED STATES: Note From the Secretary of State to the Hungarian Minister at Washington,² January 29, 1951³

The Secretary of State presents his compliments to the Honorable the Minister of the Hungarian People's Republic and has the honor to inform him as follows:

Effective immediately, members of the Hungarian diplomatic mission in the United States and Hungarian employees of that mission as well as the dependents of these persons, are prohibited from staying or traveling beyond a specified area except by express permission. The perimeter of the designated area is fixed at a distance of eighteen miles from the White House, Washington, D. C.

Permission to stay or travel outside the specified area shall be requested in advance through the Chief of Protocol, Department of State, according to a prescribed form, of which a facsimile is enclosed and copies may be obtained from the Department upon request. Travel beyond the designated area should not be undertaken prior to the receipt by applicants of signed authorization from the Department of State.

The Secretary of State further informs the Minister of the Hungarian People's Republic that the Department of State will take into account in its application of the foregoing restrictions, with particular reference to the issuance of travel permits, the consideration accorded

¹ The Hungarian Government replied, on Feb. 6, 1950, that the Hungarian court would proceed with the trial, that inasmuch as the hearing would be public both Hungarian and foreign correspondents would have the opportunity to attend and that the Hungarian Government otherwise maintained the viewpoint previously expressed; *ibid.*, Feb. 27, 1950, p. 325. See also the statement issued to the press by the Department of State, Feb. 15, 1950, to the effect that the U. S. Government did not regard the Hungarian reply as satisfactory; *ibid.* pp. 323-324.

² Imre Horváth.

³ Department of State *Bulletin*, Feb. 12, 1951, p. 262. See also U.S. note of Oct. 13, 1953; *infra*, doc. 40.

to members of the American Legation in Budapest who travel beyond the limits of the restrictive zone established by the Hungarian Government on January 22, 1951.¹

**36. VOGELER CASE: Statement by the Department
April 28, 1951²**

Robert A. Vogeler, an American citizen who has been detained in Hungary for over 17 months, was today released by the Hungarian authorities and has arrived at the American Legation in Vienna. Mr. Vogeler was delivered by Hungarian officials into the hands of a representative of the American Legation in Vienna at the Austrian frontier at 11 a.m. today (5 a.m. e.s.t.) and escorted directly to Vienna.

The Department is gratified that this American citizen has regained the freedom of which he was unjustly deprived and that he has safely reunited with his family. The release of Mr. Vogeler is the result of continuous efforts by the United States Government on his behalf since the beginning of his detention and brings to a close negotiations which the American Minister in Budapest, P. Davis, has carried on personally with the Hungarian Government over a long period of time, with skill and determination under trying conditions.

In connection with the understanding reached with the Hungarian Government for freeing Mr. Vogeler, assurances on various points have been communicated by Mr. Davis to the Hungarian Government, and, in consequence of the latter's action in releasing Mr. Vogeler and of his safe arrival at the American Legation in Vienna, these assurances now enter into effect:

(1) The United States Government will approve the release of American citizens detained in Hungarian consular establishments in New York City and Ohio.

(2) It will also, through its appropriate agencies, arrange for the passports of private American citizens who may wish to travel to Hungary.

(3) Finally, the United States Government will facilitate the delivery of all Hungarian goods in the United States zone of occupation, which, in the light of the provisions of article 30 of the 1947 Peace Treaty with Hungary,³ have been found available for release, including Hungarian cultural property, and will permit to the representatives to enter the United States zone of German occupation.

United States civil and military officials in Germany will facilitate the entry of the Hungarian representatives for the purpose stated and render them all proper assistance as regards the collection and shipment of the property in question, and regard them as official representatives of the Hungarian Government.

With regard to the matters dealt with under points (1) and (2) above, it is, of course, the expectation of this Government that the Hungarian Government's observance of consular rights and the rights of American citizens will be in accord with international law and practice and with the provisions of existing treaties between the United States and Hungary. Moreover, private American citizens who may wish to travel to Hungary will undoubtedly wish to inform themselves through the Department or American missions abroad concerning conditions in that country.

37. HUNGARIAN CHARGES REGARDING ACTIVITIES OF AMERICAN OFFICIALS: Note From the American Legation at Budapest to the Hungarian Foreign Ministry, July 7, 1951 (Excerpt)¹

The Government of the United States categorically rejects the allegations directed against the Legation of the United States and members of its staff by the Hungarian Government in its note of July 2² and regards the demands put forward by the Hungarian Government on the basis of these charges as arbitrary and unwarranted. The activities of the United States Legation in Hungary have been legitimate in every respect and in full conformity with international diplomatic practice. The United States Government concludes, therefore, that the conduct of United States Legation officials has been called into question only to serve the propaganda aims of the Hungarian Government.

In the view of the United States Government, the proceedings in the trial of Archbishop Grösz establish nothing except the fact that the Hungarian authorities are continuing by ruthless and unconscionable measures to terrorize the Hungarian people into mute submission to the existing regime and its totalitarian program. In this instance as on many past occasions, the Hungarian Government has contrived a tissue of falsehoods in a brazen though futile attempt to justify before the world its continuing campaign to crush all dissent and to suppress the human rights and fundamental freedoms of its citizens.

ian people, despite unending Communist propaganda and continue to maintain their feelings of deep friendship to the United States as well as their firm confidence that the United States Government will not cease to concern itself with their welfare.

Without accepting or crediting in any way the preposterous charges which the Hungarian Government has advanced, the United States Government has taken the decision to discontinue cultural and informational activities mentioned in the Hungarian Government's note, since it is clear that the Hungarian Government has rendered impossible the maintenance of open and normal relations and the free exchange of ideas and information between the two peoples. The United States Government believes, however, that the attitude of the Hungarian Government in this regard is a source of deep resentment and regret by the Hungarian people. The United States has shown a great interest in cultural contacts with the Hungarian people. The United States and who are fully aware that this policy of the Hungarian Government is aimed at further isolating them from the rest of the world. By its behavior in this matter, the Hungarian Government has effectively demonstrated before the entire world that it is not prepared to tolerate, even to a limited degree the exercise of freedom of expression.

38. MASS DEPORTATIONS FROM HUNGARY: the President, July 27, 1951¹

Many Americans have expressed concern about the mass deportations from Hungary which are being carried out by the Hungarian Government of that country. Their condemnation of these acts against the people of Hungary is in the best American tradition of concern for liberty and justice. I am deeply moved by the plight of the Hungarian people, who bear a heavy burden of oppression and I share the abhorrence which has been expressed by the American people at these measures which the Hungarian Government has taken with a wanton disregard of every principle of right and decency.

The Government of the United States is giving the closest attention to the deportations in Hungary with a view to taking such action as will appropriately expose this situation to public view and render the Hungarian Government accountable before the American people for its infamous conduct. The forced removal of thousands of Hungarians from their homes by the Hungarian Government under the pretext of the human rights provisions of the treaty of peace with Germany. The United States Government has already formally charged the

...in the terms of a Resolution passed by the General Assembly of the United Nations on November 3, 1950,¹ this Government will submit to the Secretary-General of the United Nations, and through him to all member Governments of the United Nations, detailed evidence which the Department of State has in its possession regarding many such violations. In view of the significant bearing which the present deportations have on the general question of the Hungarian Government's suppression of human rights and freedoms, the United States Government will also submit to the Secretary-General all evidence which may be available from reliable sources regarding the conditions under which such expulsions are being conducted.

39. AIRPLANE INCIDENT OF NOVEMBER 19, 1951: Statement by the Secretary of State, December 28, 1951²

Every American will be relieved that the four American flyers are now safely in our hands. But underlying relief is a deep current of indignation over the treatment they have received.

The American people are rightfully indignant. Because we value the welfare of the individual above all else, we have paid the so-called "fines." But we have not paid willingly, and we state clearly, in order that there may be no misunderstanding of our attitude in the future, that our patience is not inexhaustible.

In this whole performance, the Budapest regime has ignored the basic rules of long-established international conduct.

Repeated requests were made to the Hungarian authorities to permit American officials to visit the airmen. No such access was allowed either before trial or subsequently when the request was renewed. In the circumstances, in view of the refusal of the Hungarian authorities to permit American officials to exercise this normal right, which is basic to the extension of customary consular protection to American citizens abroad, the U.S. Government will no longer validate the passports of American citizens for travel in Hungary. Furthermore, since the reciprocal basis of the exchange of consular privileges has been nullified by Hungary, this Government is also notifying the Hungarian Legation in Washington that the Hungarian consulates in this country, which are located in Cleveland and New York, should be closed immediately.³

Any further statement on this matter must await the opportunity to talk with the released airmen.

¹ Resolution 385 (V); *supra*, pp. 2080-2081.

² Department of State *Bulletin*, Jan. 7, 1952, p. 7. See also statement of Dec. 26, 1951, by the Department of State (*ibid.*) and U.S. application of Feb. 16, 1952, to the International Court of Justice (*infra*, doc. 42).

³ Note of Dec. 28, 1951; Department of State *Bulletin*, Jan. 7, 1952, p. 7.

40. RESTRICTIONS ON TRAVEL OF HUNGARIAN IN THE UNITED STATES: Note From the Secretary of State to the Hungarian Minister at Washington,¹ October 13, 1951

The Secretary of State presents his compliments to the Minister of the Hungarian People's Republic and has the honor to refer to the regulation of travel of United States diplomatic personnel in Hungary and of Hungarian diplomatic personnel in the United States.

The restrictions on the travel of Hungarian Legation staff members in the United States which were notified to the Minister of the Hungarian People's Republic on January 29, 1951³ were imposed after the Hungarian Ministry of Foreign Affairs informed the American Legation in Budapest on January 19, 1951 that restrictions were being imposed on the travel of United States diplomatic personnel in Hungary. The Department of State affirmed clearly that in applying restrictions on the travel of Hungarian Legation staff members in the United States it would take into consideration accorded to members of the American Legation in Budapest who might wish to travel beyond the limits of the zone established by the Hungarian Government.

The Secretary of State welcomes the decision of the Hungarian Government, made known in a circular note of August 1, 1951, to cancel the regulations communicated in its note of July 1, 1951 and to establish new procedures and regulations for the more extensive movement by foreign diplomatic personnel in Hungary.

In view of the Hungarian Government's modification of its restrictions hitherto in force, the competent United States authorities have decided upon appropriate changes in the regulations which previously governed the travel of Hungarian Legation staff members in the United States. The Minister of the Hungarian People's Republic is accordingly informed that the restrictions notified to the Legation on January 29, 1951 are superseded by the following:

1. Members of the Hungarian diplomatic mission in the United States and their dependents may travel freely within 25 miles from the Zero Milestone located on the north side of the Potomac River in Washington, D. C.

2. Elsewhere throughout the United States, travel by the Hungarian Legation staff and their dependents will be permitted upon written notification 24 hours in advance of such travel. Required notification shall be made to the Chief of Protocol of the Department of State.

of State requests the Minister of the Hungarian People's Republic to inform his Government in this regard and expresses the hope that the Hungarian Government, upon further consideration of the question of travel restrictions, will find it desirable at an early date to enlarge the areas in Hungary where travel may be freely undertaken or to remove all travel restrictions.

Enclosure:

Copy of Department of State form
"Notification of Travel."

[The Notification of Travel requests the last, first, and middle name of the traveler, the full title of the traveler, the name and relationship of the accompanying members of the family, the dates of travel including time of departure from and return to Washington, the destination, the routes of travel to the destination and return travel, the means of travel, whether by automobile, train, or plane on the outward and return journey, the automobile license number, a space for the signature of the Chief of Mission to be undersigned by the signature of the principal traveler and the date of notification.]

41. LETTER FROM THE PRESIDENT TO THE EXECUTIVE CHAIRMAN OF THE UNITED CATHOLIC ORGANIZATIONS FOR THE FREEING OF CARDINAL MINDSZENTY FEBRUARY 1, 1954²

DEAR MR. VORBECK: I have your telegram of January twenty-third on behalf of the United Catholic Organizations for the Freeing of Cardinal Mindszenty. We in the free world have not forgotten that this is the fifth anniversary of Cardinal Mindszenty's trial and imprisonment by the Communist authorities in Hungary.

The unjust nature of the proceedings against Cardinal Mindszenty, of course, well known to the American people. They regarded the attack upon him as a blow against religious freedom in Hungary and an unprincipled attempt to destroy spiritual and moral influences in that country.

The Communist assault upon religious liberty and leadership in Hungary has failed, however, to turn the Hungarian people from their faith in God. The plight of Cardinal Mindszenty and of other churchmen who have suffered at the hands of the Communists has not been forgotten. Their situation continues deeply to concern the people of Hungary and to evoke the sympathy of the free world. Despite the constraints of person and silence imposed on Cardinal Mindszenty and other church leaders by their persecutors, the spirit of these men has defied confinement by the totalitarian State.

**42. AIRPLANE INCIDENT OF NOVEMBER 19, 1951:
by the United States to the Registrar of the Interna
of Justice, February 16, 1954¹**

SIR:

1. This is a written application, in accordance with the Statutes and Rules of the Court, submitted by the Government of the United States of America instituting proceedings against the Government of the Union of Soviet Socialist Republics on account of certain actions of the latter Government, in concert with the Government of the Hungarian People's Republic. A separate written application is being submitted by the Government of the United States of America simultaneously herewith instituting proceedings against the Government of the Hungarian People's Republic on account of certain actions of that Government in the same matter. The Government of the United States of America requests that so far as it may be convenient and proper to do so the two applications and the proceedings thereon be considered and decided together.

The subject of the dispute and a succinct statement of the facts and grounds on which the claim of the Government of the United States of America is based are set forth in two notes, one delivered to the Soviet Government on March 17, 1953 and one delivered to the Hungarian Government on the same day;³ the note to the Soviet Government was incorporated by reference in the note to the Hungarian Government, the note to the Soviet Government was incorporated by reference in the note to the Hungarian Government, and the two Governments received from the United States Government a copy of the note addressed by the United States Government to the other Government. Copies of both notes are attached to this application as an annex.⁴

2. The United States Government notes that the present dispute concerns matters of the character specified in Article 36 of the Statute of the Court, including subdivisions (a) through (d). As will be seen from the annex, the legal dispute of the United States Government with the Soviet Government involves the interpretation of the Treaty of Peace, signed at Paris February 10, 1947,⁵ the

¹ Department of State *Bulletin*, Mar. 22, 1954, pp. 450-451. See also the statement of Dec. 26, 1951, by the Department of State (*ibid.*, Jan. 7, 1952), the U.S. notes to Hungary of Dec. 10, 1952 (*ibid.*, Dec. 22, 1952, and Jan. 30, 1953 (*ibid.*, Feb. 16, 1953, pp. 258-259); the U.S. note to the Soviet Union of Dec. 10, 1952 (*ibid.*, Dec. 22, 1952, pp. 981-982); the U.S. note to the Soviet Union of Jan. 12, 1953, pp. 51-52); Hungarian note to the United States of Jan. 23, 1953 (*ibid.*, Feb. 16, 1953, p. 259); and Soviet notes to the United States of Jan. 23, 1953 (*ibid.*, Feb. 16, 1953, pp. 259-260).

...arian Government are parties; the Treaty of Friendship, Commerce and Consular Rights, signed at Washington June 24, 1925,¹ which was in effect during the period relevant to this dispute and to which the United States Government and the Hungarian Government are parties; numerous questions of international law, as set forth in Part I of each of the annexed notes; numerous issues of fact which established would constitute breaches of international obligations by the Hungarian Government; and questions of the nature and extent of reparation to be made to the United States Government by the Hungarian Government for these breaches.

The United States Government, in filing this application with the Court, submits to the Court's jurisdiction for the purposes of this case. The Hungarian Government appears not to have filed any declaration with the Court thus far, and although it was invited to do so by the United States Government in the Note annexed hereto it has not made any responsive reply to the invitation. The Hungarian Government, however, is qualified to submit to the jurisdiction of the Court in this matter and may upon notification of this application by the Registrar, in accordance with the Rules of the Court, take the necessary steps to enable the Court's jurisdiction over both parties to the dispute to be confirmed.

Thus the United States Government founds the jurisdiction of the Court on the foregoing considerations and on Article 36 (1) of the Statute.

3. The claim of the Government of the United States of America is briefly that the Government of the Hungarian People's Republic in concert with and aided and abetted by the Government of the Union of Soviet Socialist Republics on November 19, 1951, wilfully and unlawfully caused to be seized a United States Air Force C-47 type aircraft together with its crew of four American nationals and its contents, driven over Hungary by winds unknown to the crew, and that thereafter both Governments engaged in unlawful actions against the crew and against the United States with respect to the incident constituting both serious violations of existing treaties as well as manifest denials of justice and other international wrongs. For these breaches of international obligation the United States has demanded and demands monetary and other reparation from the Hungarian Government. The Soviet Government has sought to justify some of its conduct by Article 22 of the Treaty of Peace to which reference has been made, a contention which the United States Government denies.

As the United States Government, in further pleadings herein will more fully set forth, the United States Government proposes that the issues of law and fact in this dispute be heard and decided by the Court in accordance with its Statute and Rules; that the Court decide that the accused Governments are jointly and severally liable to the United States for the damage caused; that the Court award

damages in favor of the United States Government against the Government in the sum of \$637,894.11, with interest, as provided in the annexed notes; that the Court determine the nature and extent of other reparation and redress, which the Court may deem proper; and that the Court make the necessary orders including an award of costs, to effectuate its determination.

4. The undersigned has been appointed by the Government of the United States of America as its agent for the purpose of the present and all proceedings thereon.

Very truly yours,

HERMAN
The Legation
Department

43. HUNGARIAN PROTEST REGARDING ARRIVAL OF BALLOONS: Note From the American Legation at Budapest to the Hungarian Foreign Ministry, December 17, 1954¹

The Legation of the United States of America presents its compliments to the Ministry for Foreign Affairs of the Hungarian Republic and has the honor to refer to the Ministry's note of December 15, 1954,² concerning leaflets carried by balloons into Hungary.

The Legation is instructed by the United States Government to state that the activity in question was undertaken by the American Committee for Freedom and Radio Free Europe on their own initiative and responsibility. These are private organizations established and supported by private American citizens. It is only natural that the United States should take an interest in the welfare of the Hungarian people and seek some means of communication with them. If unauthorized broadcasts have been adopted, this is due solely to the actions of the Hungarian Government and to those in and outside of Hungary who are responsible for the policy of erecting barriers against free communication among peoples. This policy has been pursued to the extent that even the airwaves in Hungary are artificially jammed, so far as possible communication by radio.

Since this matter was called to its attention, the Government of the United States has obtained copies of the balloon leaflets and has examined their content. These leaflets suggest only that the Government of Hungary employ legal means to achieve realization of its constitutionally assured them by their Constitution and, in many

that the Hungarian Government could improve the condition of the Hungarian people by:

- a. In practice, vesting real authority in popularly chosen Local Councils, constitutionally responsible and accountable to the local population;
- b. Enforcing in practice the constitutional guarantees of free speech and assembly;
- c. Assuring in practice the constitutional guarantee of equality before the law;
- d. Guaranteeing in practice the right of the working peasant to a just share of the fruits of his labor;
- e. Respecting in practice responsibility of the working people freely to organize for the protection of their interests against exploitation;
- f. Observance in practice of the constitutional right of the worker to proper rest and recreation, as well as other benefits necessary for decent livelihood;
- g. Affirmation in practice that, to protect the wealth of the Hungarian community, the economic welfare of the Hungarian people must transcend the demands resulting from foreign economic levies;
- h. Recognition in practice that the forced nationalization of consumer goods outlets and services has deprived the Hungarian people not only of an important element of their guaranteed personal liberty, but also of their legitimate material needs;
- i. Realizing in practice the requirement for adequate housing to assist in protecting the institutions of marriage and family;
- j. Establishing in practice the principle of free education and scholarly inquiry, and the constitutional right of freedom of worship and conscience.

The United States Government does not believe that any of the above suggestions can be considered either "inciting," "slandering," or "seditious." Certain of the highest officials of the Hungarian Government apparently share this belief as in recent months they have publicly criticized present conditions in Hungary including reference to flagrant abuses of police power and judicial processes as well as deep-seated economic ills and political tensions. The leaflets in question merely make suggestions concerning practical means whereby some admitted shortcomings may be corrected.

The United States Government desires to take this occasion to reiterate its belief in international freedom of communication and to express its conviction that steps in achieving peaceful relations

Peoples of the World.”¹ This resolution among other things urged all members of UNESCO to take the necessary measures to ensure freedom of expression and to remove barriers to the free flow of distorted information between member states.

The United States Government hopes that the day will come when balloons will no longer be necessary as a means by which one country may freely communicate with peoples in another. Presumably it is within the power of the Hungarian Government to take the necessary remedial action. Should the Hungarian Government, in conformity with the obligations it assumed under the United States and other signatories of Article Two of the Charter of Peace, establish freedom of discussion, opinion, and assembly in the country and, in accordance with the spirit of that article and the above-cited UNESCO resolution, remove existing barriers to interchange with the outside world, the need for balloons and for Hungarian people to resort to unconventional means of communication will no longer exist.

44. MESSAGE FROM THE ACTING SECRETARY OF STATE TO THE PRESIDENT OF THE HUNGARIAN COUNCIL,³ FEBRUARY 23, 1955⁴

The efforts and sacrifices made by the people of Hungary in the War of Independence of 1848-49 were viewed, as you know, with great sympathy by the American people. This was a period in our history when we were coming of age as a nation and, in the process, the principles underlying the founding of our Government were being established. The American people felt a deep interest in all peoples who sought freedom and independence. In the years that followed, the sympathy between the two peoples was further strengthened by the arrival of thousands of Hungarian immigrants who, seeking new opportunities in this land of freedom, came to the United States and contributed importantly to our national growth and development and enrichment of our culture.

Now, more than a century after the stirring events of 1848-49, I believe we may regard the Hungarian Revolution of 1956 as inspiring and reassuring. Despite all vicissitudes, the people of Hungary and the people of the United States remain staunch friends and continue to find in their common devotion to those high ideals the basis of mutual respect and understanding. From these lasting foundations,

difficult days which lie ahead, the goals of liberty and justice in the struggle against tyranny come within clear prospect, and we can view the future with quiet resolution and confidence.

5. HARASSMENT OF LOCAL EMPLOYEES OF THE AMERICAN LEGATION AT BUDAPEST: Note and Memorandum From the American Legation to the Hungarian Foreign Ministry, July 1, 1955 ¹

The Legation of the United States of America presents its compliments to the Ministry for Foreign Affairs of the Hungarian People's Republic and has the honor to refer to the arrest of Mr. Cornelius Balas, a Hungarian employee of the Legation, by Hungarian police authorities on June 23, 1955. The Legation has not been adequately informed of the reasons for this action, which is the latest in a long series of such harassments directed against its local employees. The Hungarian Government has persistently failed to respond satisfactorily to repeated inquiries by the Legation in each of these cases. The Legation is instructed to inform the Ministry for Foreign Affairs that the United States Government protests most emphatically the arbitrary and secretive actions which the Hungarian Government has taken against not only Mr. Balas but also other local employees of the Legation. These steps by the Hungarian Government, accompanied as they have been by acts of intimidation and reprisal against visitors at the Legation, indicate clearly that the Hungarian Government has adopted once again the provocative policies in disregard of human rights that have previously brought discredit upon it.

The Government of the United States has also taken note in the connection of the MTI [*Magyar Távíráti Iroda*, Hungarian Telegraph Agency] release of June 25 concerning the detention of alleged American spies and saboteurs by State Defense organs of the Ministry of the Interior. It categorically rejects this announcement as slanderous and unfounded. These actions of the Hungarian Government, especially at the present juncture in international affairs, are wholly inconsistent with the professed desire of the Hungarian Government for normal relations.

In these circumstances the United States Government cannot but regard the arrest of Mr. Balas and the continued detention of other local employees of the American Legation as developments detrimental to United States-Hungarian relations. It is the earnest hope

The Government of the United States calls upon the Government to provide a satisfactory explanation of charges against the local employees of the American Legation who are under detention by Hungarian authorities or to permit them without delay to their employment with assurance to them that they will not be subjected to further molestation without cause. Failing a satisfactory response or remedial action by the Hungarian Government within a reasonable period of time, the United States Government will find it necessary to make further facts regarding the conduct of the Hungarian Government and related matters and to reconsider the situation under which the Hungarian Legation in Washington has been free to carry out information activities in the United States.

The Legation of the United States requests a prompt reply from the Ministry for Foreign Affairs.¹

[Enclosure]

MEMORANDUM OF HISTORY OF ARRESTS AND HARASSMENT OF
AMERICAN LEGATION AT BUDAPEST²

Since 1951 twelve local employees of the American Legation in Budapest have been arrested or deported, or have disappeared without trace as a result of action instituted by authorities of the Hungarian Government. The history of these cases is as follows:

1. Stephen Szecsi—Arrested January 19, 1951. An Aide Memoire from the Hungarian Government to state the reason for the arrest, was received by the Legation on January 19, 1951. The Hungarian Government has to this date failed to furnish the Legation with a specification of the charges preferred against Szecsi with other particulars concerning the case. The Legation learned later that Mr. Szecsi died in prison on April 28, 1955.

2. Aloysius Pongracz—Arrested March 24, 1951. An Aide Memoire from the Hungarian Government to inform the Legation of the reasons for Pongracz' arrest was left at the Ministry of Foreign Affairs on March 24, 1951. No reply has to this date been received. Mr. Pongracz is presumed to be in prison.

3. Otto Fernbach—Arrested April 17, 1951, following a minor accident in which he was involved while acting as official Legation interpreter. The Legation subsequently learned that Mr. Fernbach had been held in fifteen days imprisonment. In its Aide Memoire dated April 17, 1951, the Legation requested information regarding the sentence reportedly imposed on Fernbach. No reply was ever received to this inquiry. Mr. Fernbach disappeared for a period of two years. He reappeared unexpectedly in 1953, stating only that he had been in prison. He has been re-employed by the Legation since the date of his release.

4. Frederick B. Karg—Deported from Budapest on twenty-four days' leave on July 3, 1951 to a small village in northern Hungary. The Legation

addressed to the Minister for Foreign Affairs on June 23, 1952, repeating the Legation's request for information. In its reply, dated September 1, 1952, the Ministry stated that Mr. Batta had been taken into custody for anti-democratic activity. No specification of the charges or announcement of sentence has ever been communicated to the Legation. It is assumed that Mr. Batta is still in prison.

6. Hannah Vegh—Disappeared on July 10, 1952. In its Note No. 22 of September 9, 1952, the Legation requested the assistance of the Ministry in locating Miss Vegh. On September 25, the Ministry offered the explanation that Miss Vegh had attempted to leave Hungary illegally and that she had been arrested. Although no subsequent information regarding Miss Vegh has been communicated to the Legation, it is presumed that she is still under detention.

7. Aimee Karolyi—She was last seen on March 13, 1953. On March 20 the Legation sent Note No. 119, requesting the Ministry to determine the whereabouts of Mrs. Karolyi. A further inquiry was directed to the Ministry in the Legation's Note No. 151 of May 20, 1953. The Ministry replied on June 27 that Mrs. Karolyi had committed action in violation of Hungarian criminal law and had been ordered detained. No further information concerning this case has been forthcoming and Mrs. Karolyi is presumed still to be under detention.

8. Jenő Kvassay, who was employed as a personal chauffeur by the Assistant Military Attaché of the Legation, disappeared on April 17, 1953. On April 22 the Legation, in its Note No. 137, requested the Ministry to inform the Legation concerning the whereabouts of Mr. Kvassay. No reply has ever been received to this inquiry and Mr. Kvassay's whereabouts and fate continue to be unknown to the Legation.

9. László Gal—Disappeared on June 3, 1953. The Legation on June 8, 1953, sent Note No. 161 to the Ministry asking for information regarding the whereabouts of Dr. Gal. The Ministry's reply, dated June 27, stated only that Dr. Gal had committed "action in violation of Hungarian criminal law" and was being detained. The specific charges on which Dr. Gal was detained have never been made known, nor has the result of any proceedings against him ever been communicated to the Legation.

10. George Karman—Disappeared without explanation on September 24, 1953. On September 28 the Minister of the United States made an oral protest to Mr. Hajdu, Director of Political Section No. 2 of the Ministry, in connection with the unexplained disappearance of Mr. Karman. On October 4, the Minister addressed a personal letter to Mr. Hajdu requesting information as to whether the Ministry had any information as yet on Mr. Karman. Mr. Hajdu on October 12, addressed a note to the Minister stating that in view of Mr. Karman's Hungarian citizenship this case was not a proper subject for discussion between the Ministry for Foreign Affairs and the Legation. When in its Note No. 16 of October 25, the Legation took issue with this contention, the Ministry in its Note No. 001415/1 of November 7, closed the case by stating that it did not wish to react to the Legation's Note. No further information concerning the case of Mr. Karman has been communicated to the Legation since this date.

11. Béla Kapotsy—Arrested on February 24, 1955. In its Note No. 36 of March 7, the Legation requested the Ministry to clarify the reasons for the arrest. In a subsequent conversation, Mr. Hajdu, Director of Political Department No. 1 of the Ministry, advised a representative of the Legation that he understood the arrest was due to some "illegal activities" and that he would attempt to ascertain the facts and inform the Legation. No additional information regarding Mr. Kapotsy's case has to this date been forthcoming from the Ministry.

12. Cornelius Balas—Arrested on June 23, 1955. The Legation was informed

In addition to these arrests, a pattern of harassment of staff members has been increasingly evident, particularly in the past two months. American members of the staff of the Legation, including the American Minister, have from time to time been kept under close surveillance with their every move being carefully watched by as many as five of what have been clearly established to be Hungarian security organs have been observed loitering in the vicinity of the Chancery building at one time and on various other occasions over the past month. That these persons represent security organs of the Hungarian Government has been confirmed beyond doubt by American Legation staff members. The persons in question have been seen to follow individuals leaving the Legation, to detain them, and, in several instances, to conduct them to waiting trucks, and taxis, in which they were transported away.

This molestation of visitors calling at the Legation has become particularly severe since the middle of May. Again, observation by Legation staff members indicates that the persons who have been followed, detained, and/or carried off exceeds one hundred at the least, with good reason for believing that a very high percentage of all visitors to the Legation have been so treated during the past month.

46. HUNGARIAN INFORMATION ACTIVITIES IN THE UNITED STATES: Note From the Secretary of State to the Hungarian Minister at Washington,¹ September 1, 1955²

The Secretary of State presents his compliments to the Minister of the Hungarian People's Republic and has the honor to refer to the dissemination of the publication "New Hungarian Information Activities in the United States of America" and to other information activities in the United States of America by the Hungarian People's Republic.

The Minister is doubtless aware that the American Legation in Budapest has found it increasingly difficult to carry on its normal activities comparable to those carried on freely in the United States by the Legation of the Hungarian People's Republic. This difficulty has arisen because the Hungarian Government has adopted a restrictive attitude toward the American Legation's information activities in Hungary, already limited in scope, and has permitted the police authorities to arrest arbitrarily and otherwise to harass the employees of the American Legation and to molest American local visitors calling at the Legation.

carriers to cultural intercourse and the interchange of information and ideas between peoples for the establishment of a new and healthy atmosphere for the pursuit of peace. The Government of the United States has exercised the utmost patience in awaiting the Hungarian Government's response to its note of July 1¹ requesting a satisfactory explanation or remedial action with respect to the matters in question. The Hungarian Government has made no reply, however, nor has it taken any steps to correct the situation which was the subject of the Government's just complaint. In these circumstances, the Government of the United States has reluctantly concluded that it has no alternative other than to invoke appropriate countermeasures and maintain them in force until such time as the Hungarian Government may be disposed to reconsider its actions and reestablish conditions permitting normal information activities by the Legations of the two countries.

The Secretary of State accordingly informs the Minister that the Legation of the Hungarian People's Republic is required to cease all information activities in which it is directly or indirectly engaged, including the dissemination of "New Hungary" and other publications, film showings, and photographic exhibits, in so far as these activities are conducted wholly or in part outside of the Legation premises.

This requirement is effective immediately.

G. POLAND

17. POLISH REPATRIATION ACTIVITIES IN GERMANY: Note From the American Embassy at Warsaw to the Polish Foreign Ministry, July 19, 1951²

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and on instructions from the Government of the United States has the honor to reply as follows to the Ministry's note of June 13, 1951,³ concerning the termination of accreditation of the Polish repatriation mission in the United States zone of Germany.

As the Polish Government is aware, repatriation mission personnel are accredited to the United States High Commissioner for Germany who has the responsibility of determining the size of the mission on the

Moreover, during the first 5 months of 1951 there were voluntary repatriations of Polish citizens from the United States zone.

There is no Polish displaced persons camp in the United States zone and only one International Refugee Organization repatriation center at Griesheim near Frankfurt. Thus, since the period of mass repatriation had clearly come to an end, the continued presence of a United States zone of eight Polish repatriation officials could be considered unnecessary.

A procedure exists, in the absence of a Polish repatriation center, for returning those few persons who might from time to time wish to return for repatriation to Poland. Arrangements in each case are made by the Polish Military Mission at Berlin with the United States High Commissioner's office. This was pointed out to the United States Polish Repatriation Mission in the United States zone on May 16, 1951, from the United States High Commissioner's office requesting the withdrawal of the mission.¹ The United States Ambassador at Warsaw also stressed in a conversation with the Polish General of the Foreign Office on June 12, 1951, that facilities for repatriation have not been terminated as arrangements for repatriation can readily be effected by the Polish Military Mission at Berlin in agreement with the office of the United States High Commissioner.

Under these circumstances the United States Government categorically rejects the charge made by the Polish Government on June 13, 1951, that American authorities in terminating the Polish mission in the United States zone are rendering impossible the repatriation of Polish displaced persons who wish to return to Poland.

Moreover, since the Polish Government continues to deny the possibility of making arrangements for voluntary repatriation, there has been no violation of Polish rights under the United Nations General Assembly resolutions of February 12, 1946,² and February 17, 1947,³ or under resolutions contained in the report of the Commission of the European Communities to the Council of Foreign Ministers in 1947,⁴ to the Council of Foreign Ministers.

The actual facts concerning the unwarranted charges against the United States Government that American officials have hindered the repatriation of Poles are as follows:

- 1) United States officials have provided extensive logistical assistance to the Polish Repatriation Mission, including authorizing train travel throughout the United States zone of Germany for vehicle registration and purchase of gasoline from Army supplies, United States post-exchange privileges, and messary privileges for the Chief of Mission.

- 2) No protest has ever been received from the Polish Government.

United States zone of Germany were obstructed by United States national authorities.

3) The record shows that Polish representatives were free to visit International Refugee Organization camps as frequently as they wished, and that these visits often averaged three a week.

4) The Polish Repatriation Mission did not publish a periodical in Germany, but rather imported quantities of magazines and newspapers from Poland. The question of paper allocation and licensing therefore did not arise.

The Polish Government has included in its note various misstatements concerning United States statutes governing military service. The reference to the "law approved on April 13, 1951," was apparently intended to relate to Public Law 51, enacted June 19, 1951.¹ Public Law 51 is essentially a continuation of the Selective Service Act of 1940² under which many thousands of legally admitted aliens fought for the freedom and survival of the allied nations, including Poland.

The Polish Government's statement concerning "displaced persons . . . as reserve manpower" is presumably directed at plans announced by the United States Secretary of the Army for the implementation of the Act of June 30, 1950,³ providing for voluntary enlistment of a limited number of aliens in the Regular Army of the United States. It would seem singularly inappropriate that exception to the law should be taken by the Government of Poland, many of whose present leaders have frequently and recently called attention to the brilliant feats of arms by Generals Kosciuszko,⁴ Pulawski,⁵ E. Bem and Walter,⁷ and whose own national anthem is still the song of Dabroski's⁸ soldiers in Italy.

8. POLISH AND UNITED STATES INFORMATION SERVICES

Statement by the Department of State, August 9, 1951⁹

The Polish Foreign Minister called in the American Ambassador Joseph Flack on August 8 and asked that the activities of the United States Information Service, including distribution of the English and Polish language wireless bulletins, film showings, and library functions, should be terminated as of that date. Since the Polish

¹ 65 Stat. 75.

² Act of Sept. 16, 1940; 54 Stat. 885.

³ 64 Stat. 318.

⁴ Tadeusz Kosciuszko (1746-1817) served in the United States as engineer in

Government insisted that this was final there was no al to comply with this request.

The United States Government regards this action of Government as an entirely unwarranted interference with the exchange of information between nations, an exchange which the Government is always ready to foster on a fair and reciprocal basis. It is recalled, moreover, how much the Polish people have ever since the United States Information Service was established in Warsaw, the services it performed. There is every reason to believe that these activities in the interest of a better understanding of the peoples will be missed by the Polish nation.

The Polish Ambassador here has been summoned to inform that the Polish Research and Information Service must be closed within 24 hours.

49. POLISH AND UNITED STATES INFORMATION SERVICE

Note From the Secretary of State to the Polish Ambassador in Washington,¹ September 20, 1951²

The Secretary of State presents his compliments to His Excellency the Ambassador of Poland and has the honor to refer to the note which was delivered to the United States Embassy at Warsaw by the Ministry of Foreign Affairs on August 14, 1951.³ This note announced the closing of the Polish Research and Information Service in New York, and also made certain charges against the United States Information Service at Warsaw.

The Government of the United States finds it difficult to believe that the Polish Government can seriously contend that the action of the United States in requesting the closing of the Polish Research and Information Service was a baseless and illegal representation.

The Polish Government will recall that on August 8, 1951, the Polish Foreign Minister received the United States Ambassador in Warsaw and delivered a note⁴ protesting the proposal by the United States Government that the 1931 Treaty of Friendship, Commerce and Consular Rights⁵ be amended by the elimination of Article VI of that treaty. It was at the conclusion of this interview that the Polish Foreign Minister demanded the closing of the United States Information Service office at Warsaw.

It is of interest that the Polish Embassy at Washington, in a release issued on August 10, 1951, also clearly linked the proposal of the proposal to terminate Article VI of the 1931 Treaty of Friendship, Commerce and Consular Rights with the closing of the United States Information Service office at Warsaw.

ne minds and in the intentions of the responsible officers of the Government.

The United States Government is always prepared to encourage on a fair and reciprocal basis, the free exchange of information between nations. It can, however, only regard as hypocritical or naive the attitude of a Government which, having practiced reprisals in the name of legality, then proceeds to denounce as "reprisals" the practice, by another Government, of the principle of reciprocity.

The Polish Government also alleged in its note of August 14, 1951, which, it may be noted, was issued as a press release three days later by the Polish Embassy at Washington, that the closing of the Polish Research and Information Service proves that the United States Government wishes to separate the American people behind an Iron Curtain from all news of the peaceful attitude and activities of the Polish nation.

The facts which are relevant to this allegation must be known to the Polish Government. It is a matter of common knowledge where the Iron Curtain was created and where it is maintained by governments exercising a monopoly of police and political power and claiming to exercise a monopoly over all sources of public information. It is also a matter of common knowledge, reported almost daily in the press of the world, from which direction and from which countries men, women, and children escape, at desperate risk, to join the community of freedom in the Western World.

The extent to which the contents of this note are made known to the people of Poland by the Polish press and radio will provide significant commentary on the location of the Iron Curtain.

The Government of the United States rejects the contention of the Ministry of Foreign Affairs that the activities of the United States Information Service in Poland went beyond the accepted scope of normal activity of a diplomatic mission or were against the interests of peace.

The United States carries on these activities as part of its diplomatic functions in sixty-four nations, where, far from being subjected to police harassment and official impediments, the activities are welcomed by the governments concerned, which in many cases cooperate heartily with the United States Information Service in its work among their people. Only in Communist China, Hungary, Rumania, Czechoslovakia, Bulgaria, and now Poland has the United States Information Service been compelled by governmental action to suspend operations.

The many governments that welcome and cooperate with the United States Information Service are undoubtedly in constant inde-

Bulletin, undertook, among other things, to provide of Poland who desired to be informed, with accurate views expressed and the positions taken by the responsible officials of the United States, in the United States and elsewhere. Not less importantly, the *Bulletin* contains the views of the duly elected representatives of the United States, and of the responsible journals of fact in the United States.

To allege, as the Ministry of Foreign Affairs endeavors, that the publication of such material is to engage in war and to deny the validity of the open and democratic processes by which public opinion is formed. It is only in this way that the assemblies can function, that the executive authority of the Government can exercise leadership, and that sound and just judgments as expressed in the United Nations, of which Poland is a member, can be formulated.

The fact that these democratic processes involve the expression of views repugnant to those held by the present Government does not conjure them out of existence or render them invalid for war. On the contrary, these views are held by the people and individuals keenly desirous of maintaining international peace and concerned by developments threatening it, and determined to prevent the betrayal of peace by all possible means.

A government which undertakes to deny its people the right to information, the right freely to judge the validity of the views expressed, accordingly assumes the most serious responsibility: to attempt to keep people in ignorance of the facts of the world they live, of the forces at work in it, and the reactions these forces can create, is not to work for peace but for those mistakes and errors that in the past have often led to misunderstandings and wars. History abundantly proves that government which follows the policy of denying their peoples access to all the available information have done so at their own loss.

50. POLISH CHARGES REGARDING ALLEGED ACTIVITIES: Note From the American Embassy to the Polish Foreign Ministry, February 9, 1953¹

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and on instructions from the United States Government has the honor to reject categorically the charges made by the Ministry of Foreign Affairs of the Polish Government.

ment rejects the allegations of the Polish Government that an aircraft belonging to the Armed forces of the United States violated Polish territory on November 4, 1952, and that the United States has organized aggressive "intelligence and subversion" on Polish territory.

The charges are very clearly a part of a larger pattern of accusation made with increasing vehemence during the past few months by a number of governments dominated by a single totalitarian political party. As the Polish Government is well aware, these recent charges have been leveled against Christians and Jews, Communists and former Communists, workers, peasants and intellectuals, and even against many once prominent and trusted officials occupying positions of great power in the very governments which are now making the charges.

The free world, and no doubt many in that part of the world which is not free, has viewed these accusations with profound skepticism and deep disgust, seeing in them the characteristic excesses of men hysterically fearful that they will lose the absolute power which has corrupted them. To the extent, however, that this macabre process of almost daily accusation actually reflects a genuine struggle of men to be free and masters of their own thoughts and souls, the Government and people of the United States cannot be disinterested.

Sympathy and concern for the welfare and aspirations to freedom of peoples of other lands has been a continuing and important feature of American history from the beginning of the United States as an independent country. The names of Pulaski¹ and Kosciuszko,² Kossuth³ and Krzyzanowski,⁴ of Paderewski⁵ and the elder Masaryk, all of whom found haven and support in the United States during their struggles for the freedom of their homelands bear eloquent testimony to the continuing American interest in the liberty and independence of the countries of Central and Eastern Europe.

The Polish Government in its note of January 16 alleges that while the American nation desires peaceful relations with the Polish nation the policy of the Government of the United States is anti-Polish. The absurdity of this contention is apparent to anyone acquainted with the democratic and representative nature of the political institutions of the United States which ensure, contrary to the situation which prevails in totalitarian regimes, the faithful reflection of the popular will in the policies followed by the Government of the United

¹ Count Kazimierz Pulawski (1748-1779) served in the United States as a cavalry officer (1777-1779).

² Tadeusz Kosciuszko (1746-1817) served in the United States as an engineering officer (1776-1783) before returning to Poland and again resided in the United

States. In any event, the question of whether the policy of the United States Government is anti-Polish is one which the United States is happy to leave to the judgment of history, confident that history clearly shows that from its earliest beginnings as an independent country, the United States has always been, and remains, a friend of Poland.

It is also impossible to understand the grounds on which the United States Government bases the fantastic allegation that the United States Government desires to transform Poland into a colony of the United States. It is understandable that under the conditions which prevail in Poland at the present time many citizens of Poland might entertain such fears regarding the possible reduction of Poland to the status of a colony, but it is certainly not on the Government of the United States that responsibility for these unfortunate conditions rests.

A very few years ago both Poland and the United States stood side by side in defense of their national existence against a common powerful enemy. For several years after that war, the United States, through official and unofficial channels, undertook a most varied program of economic assistance to the people of Poland. As part of that assistance, UNRRA,¹ which was financed largely by the United States, delivered to Poland food, clothing, medical supplies, and agricultural supplies in the amount of \$477,927,000. This is more than was supplied to any other European country, and represents one-sixth of the total assistance granted to all war-devastated countries throughout the world.

Moreover, it was the Polish Government itself which announced in July 1947 a decision not to participate in the European Recovery Program which offered additional great possibilities for rebuilding war damage in Poland and for raising the standard of living of the hard-pressed Polish people.

In its note of January 16, 1953 the Ministry of Foreign Affairs of the United States saw fit to return to the subject of Section 101 of the United States Mutual Security Act of 1951,² and to repeat the basic principle contained in its note[s] of December 19, 1951³ and January 16, 1953. As the Polish Government was informed more than a year ago, Section 101 of the Mutual Security Act is intended to provide assistance to victims of oppression, where such assistance has been determined to contribute to the defense of the North Atlantic area. This is a purely humanitarian program for extending care and aid, and for resettlement to refugees which is now being actively carried out. This legislation is completely consistent with the policy of the United Nations of rendering assistance to people who have been driven from their homelands.

and the murder of a Polish radio announcer, the Government of the United States states categorically that these allegations are groundless and that the Government of Poland must be aware of that fact.

Concerning the further allegation that United States Government information activities have sown hatred toward Poland, it is to be noted that the aim of these activities with respect to Poland is to provide accurate news and commentaries on important developments to the Polish people who, cut off from such information by their own authorities, are naturally eager to be informed by other means. As the Government of the United States observed to the Polish Embassy in Washington in a note of September 20, 1951,¹ history abundantly proves that governments which adopt the policy of denying the peoples access to all the avenues to truth have done so at their own loss.

During the past century and three quarters Poland has several times been partitioned by powerful neighboring states, and at times has been occupied by one of them. During these tragic years of Polish history, no people and no government has had a warmer admiration for the unquenchable Polish love of liberty than the people and Government of the United States, and none has had a firmer faith in the final outcome of the Polish struggle for liberty and national independence.

1. KATYN MASSACRE: Note From the United States Representative to the United Nations² to the Secretary-General,³ February 10, 1953⁴

EXCELLENCY: On September 18, 1951, the House of Representatives of the United States Congress provided for the establishment of a Committee to conduct an investigation and study the facts, evidence and circumstances of the Katyn massacre, committed against thousands of Polish Army officers and civilians during World War II.⁵

The Committee held hearings in the United States, United Kingdom, Germany, and Italy. In the course of its inquiry into the responsibility for the massacre the Committee heard testimony from 8 witnesses, studied 183 exhibits, and studied and received 100 depositions taken from witnesses who could not appear at the hearings. In addition, the Committee staff has questioned more than 200 other individuals who offered to appear as witnesses but whose information was mostly of a corroborative nature. The account of the Committee's inquiry is set forth in the seven volumes entitled "Hearings

sets of which I have the honor to transmit with this communication. The findings and conclusions on this phase of the Commission's inquiry are contained in the Interim Report.

I am enclosing 70 copies of the Interim Report¹ with this communication that you transmit a copy of the Interim Report together with a copy of this communication to the Representative of each Member State of the United Nations as a matter pertaining to United Nations action in the field of Human Rights.

It will be noted that the Interim Report contains references to "Hearings" referred to above and enclosed herewith. I am enclosing you to make these volumes available to any Representative of the United States who wish to refer to them.

52. 162d ANNIVERSARY OF THE POLISH CONSTITUTION Statement by the Secretary of State, May 3, 1953

Today [May 3] is the 162d anniversary of the adoption of the Polish Third of May Constitution,³ a step of worldwide significance on the road toward modern, Western democracy. In the year of its independence the Polish Nation celebrated this anniversary with patriotic devotion as the national holiday. In the years of its unhappy bondage the Polish people commemorate the occasion with solemnity, although those in Poland, as we all know, do so only in their hearts and thoughts.

The Polish Nation is rightly proud of its splendid history. It illustrates, as does all history, that no tyranny can suppress the freedom of a nation which truly desires freedom—the freedom of nations as well as freedom of the individual at the heart of American policy. It is the same principle inscribed on their banners—"for our freedom and for the freedom of all Peoples."

On this occasion I send to the Polish people an expression of our warm, friendly sympathy of the American people and of the United States Government. We salute true Poles wherever they may be. We wish them in the hope and faith that the Polish desire for freedom and independence will find the fullest realization.

¹ Report of July 2, 1952; H. Rept. No. 2430, 82d Cong., 2d sess. H. Rept. No. 2502, 82d Cong., 2d sess.

² Department of State *Bulletin*, May 18, 1953, p. 721. The statement was released to the press May 2, 1953, 7:00 p.m.

³ The short-lived constitution of May 3, 1792, whose institution was forced upon Poland by Russia, led immediately to the second (Jan. 23, 1793) and third (Oct. 24, 1795) partitions of Poland by Russia, Prussia, and Austria.

3. RELIGIOUS PERSECUTION IN POLAND: Statement by the Department of State, September 30, 1953 ¹

In denouncing the arrest and forced retirement of the Primate of Poland, Cardinal Wyszynski, the President expressed the condemnation by the American people of this new act of Communist terrorism against religion.

It is clear to everyone that the outright war on religion conducted by the Polish regime is also an attack on the national traditions of which religion has always been a vital part. The Polish Communists have committed a crime against a true leader of the Polish nation, and the memory of it will never be erased.

The American people are profoundly convinced that the religious persecution now being carried on in Poland will not achieve the purposes intended. We are confident that the religious spirit of man will not be subdued or extinguished and will remain a sustaining force in Poland during the present tragic suffering of the Polish nation.

4. CLOSING OF POLISH CONSULATES GENERAL IN THE UNITED STATES: Note From the Secretary of State to the Polish Ambassador at Washington, ² February 25, 1954 ³

The Secretary of State presents his compliments to His Excellency the Ambassador of the Polish People's Republic and has the honor to inform the Ambassador that the Department of State has reviewed the activities of the Polish Consulates General in the United States. After careful consideration the Department has reached the conclusion that these Consular establishments serve no useful purpose in the conduct of relations between the United States and Poland at the present time. The United States Government, consequently, requests that the Polish Government close its Consulates General at New York, Chicago and Detroit and withdraw the personnel of those offices within a reasonable period for liquidating their affairs.

¹ Department of State *Bulletin*, Oct. 19, 1953, p. 529. See also President Eisenhower's remarks of Sept. 30, 1953 (*ibid.*), and the statement of Sept. 2, 1953, by the Department of State regarding the case of Bishop Kaczmarek (*ibid.* Oct. 5, 1953, pp. 456-457).

² Jozef Winiewicz.

³ Department of State *Bulletin*, Mar. 8, 1954, p. 352.

55. ARREST OF POLISH UNDERGROUND LEADERS

**Note From the American Embassy at Moscow to the
Foreign Ministry, April 21, 1955¹**

The Embassy refers to representations which were made to a United States official² with Premier Stalin at Moscow, then Secretary of State³ with Foreign Minister Molotov at the San Francisco Conference on the United Nations Charter with the arrest of 16 leaders of the Polish Underground by Soviet authorities on March 28, 1945.⁴

It is recalled that the Underground had waged a bitter struggle on the side of the Allies and in the defense of Poland against German aggression and occupation in the Second World War. These men, members of various Polish political parties, had long aroused great concern throughout the world. It may be recalled that the 16 Polish leaders were arrested at a time when the United States Allies were making an effort, in accordance with international discussions,⁵ to have a new Polish Government formed on a democratic basis by the inclusion of Polish leaders from abroad and from the Underground in Poland. In virtue of this interest the United States Government made its inquiries to the Soviet Government in 1945 with a view to obtaining information regarding the arrested men. The United States Government now wishes to raise this matter again.

Certain developments subsequent to this arrest are known to the United States Government. The men were transported from Poland to the Soviet Union and were tried by a Soviet court in June 1945. Most of them were sentenced to long terms in the Soviet Union. Some were re-arrested in Poland and sentenced to imprisonment in Polish jails. The longest Soviet sentence was of ten years, imposed on Major General Okulicki.

The United States Government notes that if General Okulicki's sentence began on the date of his arrest he has now completed his term of imprisonment. Since all of the other sentences were of lesser length it is assumed that none of the originally arrested are now held in Soviet jails.

The United States Government also wishes to point out its continued interest in the fate of these Polish leaders, notwithstanding the lack of information of the whereabouts of several of them and there is even uncertainty as to how many are still alive.

So far as the United States Government is aware the following are the members of the group, in addition to General Okulicki, who have returned to Poland: Jan Stanislaw Jankowski, Stanislaw

¹ Department of State *Bulletin*, May 2, 1955, pp. 737-738. A copy of the Polish Foreign Ministry's reply to the American Embassy is also being furnished to the Department of State.

and Antoni Pajdak. Dating from the time of their original arrest, Frankowski's sentence would have ended March 28, 1953, and that of Asiukowicz, and possibly of Pajdak, on March 28, 1950.

Under these circumstances the United States Government wishes to request that the Soviet Government provide information as to which of these sixteen men are still in the Soviet Union, and under what circumstances. Information is also requested regarding any of the men who may have died in the U.S.S.R.

H. RUMANIA

56. AMERICAN INFORMATION AND CULTURAL ACTIVITIES IN RUMANIA: Note From the American Legation at Bucharest to the Rumanian Foreign Ministry, April 26, 1950 ¹

The Legation of the United States of America presents its compliments to the Ministry of Foreign Affairs and, with reference to the Ministry's note of April 14 ² concerning the information and cultural activities of the American Legation at Bucharest, has the honor to communicate the views of the United States Government as follows.

The nature and tone of the Rumanian Government's response to the inquiries contained in the Legation's note of March 6 ³ are such that the United States Government considers it unnecessary to refer in detail the contentions of the Ministry's note under reference.

The accusations against the United States and its official representatives, by which the Rumanian Government seeks to justify its demand for the cessation of the activities of the United States Information Services in Rumania, would be ludicrous if they were not so serious in their implications for that understanding between peoples which is essential to peace.

Nevertheless, the United States Government takes occasion to state categorically that the Rumanian Government's charges of improper activities on the part of employees of the United States Information Services in alleged conspiracy against the Rumanian Government are completely baseless. Indeed, the United States Government wishes to remind the Rumanian Government that no credence can be placed in purported evidence which it adduces in support

these charges as developed in "trials" which the Rumanian manipulated in such a way as to create a false impression of United States Information policies and of the legitimate activities of United States representatives.

The United States Government is confident that the Rumania, no less than the free peoples of the world, will regard the Rumanian Government's allegations as a reflection of its freedom of information. Such fear is reflected in the Rumanian Government's comprehensively restrictive measures which have the effect of cutting off the Rumanian people from contact with the United States and other democratic nations.

The sole aim and practice of the American Legation's Information Office, as with the United States Information Services elsewhere, has been to furnish a channel of information and cultural exchange between the peoples of Rumania and of the United States and to give all elements of the Rumanian population an opportunity for a balanced picture of America which are denied them by the government-controlled press and radio of Rumania and constantly presented to them by Rumanian Government spokesmen.

The United States Government reaffirms its view that information and cultural exchange constitutes a normal and proper function of diplomatic mission which is able to contribute to understanding between peoples. The United States Government, in its international relations as in domestic affairs, staunchly adheres to freedom of information. It believes in the inherent right of individuals and nations to a free flow of information which they may freely judge for themselves.

The Rumanian Government's persistently unfriendly attitude toward the United States and its lack of cooperation in international amity give a hollow tone to its voice in the "peace offensive". Issues of the American Legation's note to which the Ministry's note refers, contain expressions by the President and Secretary of State concerning United States efforts for peace and the constant United States willingness to share in the maintenance of peace. Any government genuinely disposed to foster peace and friendly intercourse among nations will find the United States ready to cooperate in furthering these ends.

American personnel in Rumania, has the honor to inform him as follows:

Effective immediately, members of the Rumanian diplomatic representation in the United States and the Rumanian employees of the Mission, as well as their dependents, may not travel outside of the designated area except by special permission. The limits of the area under reference are fixed at a distance of thirty-five miles from the boundaries of the District of Columbia.

Permission to go beyond the area so described shall be requested in advance of the Department of State according to a prescribed form of which a facsimile is enclosed herewith.¹ Copies of this form may be obtained from the Department upon request. Travel outside of the designated area should not be undertaken prior to receipt by the Legation of authorization from the Department of State.

18. REDUCTION OF UNITED STATES REPRESENTATION IN RUMANIA: Statement by the Acting Secretary of State,² May 2, 1950³

The United States Minister to Rumania, Rudolf E. Schoenfeld, delivered to the Rumanian Minister for Foreign Affairs, Mme. Ana Pauker, on May 22⁴ a note in reply to the Rumanian Government demand of May 13⁵ that the staff of our Legation at Bucharest be reduced to 10 persons.

The United States note refused to admit the propriety of a receiving state (like Rumania) attempting to determine arbitrarily and unilaterally the composition of the diplomatic mission of a state with which it maintains relations. Our reply flatly rejected the pretext on which the Rumanian Government based its demand. However, taking into account the Rumanian Government's evident lack of disposition to further the interests of the two countries in the maintenance of normal diplomatic relations, we indicated our intention to reduce the official personnel of our Legation to conform to the situation created by the arbitrary attitude of the Rumanian Government.

On the occasion of delivering our reply to the Rumanian demand for the reduction of our Legation staff at Bucharest, the United States Minister informed the Rumanian Minister for Foreign Affairs that in view of the severe travel restrictions imposed by the Rumanian authorities upon official American personnel in Rumania, the United States Government has decided to apply similar restrictions to official Rumanian personnel in the United States. The Rumanian Foreign

A note has been delivered to the Rumanian Minister in informing him of the limitations on travel in the United States by the personnel of the Rumanian Legation and of the procedure for obtaining authorization to travel.¹

59. RUMANIAN CHARGES REGARDING ALLEGED SUBVERSIVE ACTIVITIES: Note From the American Legation at Bucharest to the Rumanian Foreign Ministry, June 20, 1955

The Government of the United States has taken note of the charges in which the Rumanian Government has misrepresented the actions on the part of certain members of the American Legation in the disposal of some obsolete small arms ammunition.² The United States Government has also noted the Rumanian Government's demand in this connection for the recall of Captain Hutsinpillar, Assistant United States Army Attaché at Bucharest.

It is illustrative of the conduct of diplomatic relations between the Rumanian Government that, through its organs of press and propaganda, it should have launched a new virulent attack against the American Legation and the United States Government on the basis of a factually exaggerated and distorted incident, without so much as seeking an explanation through the American diplomatic channels or representatives in Rumania.

It is also characteristic that, after stating on June 9 that the Rumanian Government "would leave it up to the United States Government to decide what to do about Captain Hutsinpillar" and while awaiting the transmission of a reply from the Government of the United States, the Rumanian Ministry of Foreign Affairs should have peremptorily demanded the recall of Captain Hutsinpillar.

The quantity of the ammunition in question was not large and it was disposed of in an open manner which belies assertions that the action had a clandestine or secretive character. The fact that the action placed by the Rumanian Government-controlled press on the intentions of the United States Government and its relations with Rumania in connection with this insignificant incident is patent and obvious.

The United States Government is withdrawing Captain Hutsinpillar. At the same time, it repudiates the alleged justification for the Ministry's demand. The use which the Rumanian Government has made of this episode and the abuse, on this as on other occasions, of the right to declare a foreign official unacceptable, lead to the conclusion that the Rumanian Government

not really based upon the incident or upon the conduct of Captain Hutsinpillier but is part of a deliberate and centrally directed policy being carried out throughout Eastern Europe, to interrupt the normal conduct of diplomatic relations between the United States and the states of that area.

10. RUMANIAN-AMERICAN RELATIONS: Statement by the Secretary of State, June 23, 1950 ¹

Over the past 3 years, the Rumanian Government has subjected our diplomatic representation at Bucharest to progressively severe restrictions, impediments, and discourtesies. These not only drastically curtail the performance by our mission of its normal diplomatic and consular functions, but they also violate the existing consular agreement with Rumania ² and effectively deprive our chief of mission of rights and privileges to which he is entitled by his special responsibilities under the Treaty of Peace with Rumania. ³

For a year now, there have been in effect in Rumania travel restrictions which, as administered by the Rumanian authorities virtually confine our representatives to Bucharest and its immediate environs. Theoretically, these restrictions are imposed on all diplomatic personnel. Theoretically also, our people may travel to a few designated places by special permission. This is of little value since the Rumanians as a rule delay unduly or fail to issue travel permits. At the time the travel restrictions were imposed, we were given informal assurance that we had only to ask and we would be permitted to travel to Constanza in connection with incoming shipmen or the Legation. This, like many other such assurances, has proved hollow.

The Rumanian Government has deprived our personnel of premises for which they had rental contracts at destinations where they might be permitted to go. When no other accommodations are available, it is of little use for them to travel there.

Altogether the restrictions and harassments to which our mission in Rumania has been subjected by the Rumanian Government are more comprehensively severe than those of any other country. We do not accept the thesis that we must conduct our relations toward one state and its representatives, regardless of its behavior toward us and our representatives, in the same way as we would toward other states.

The institution on May 25 of the travel-procedure applicable

an extreme degree.¹ As the Rumanian Government views our administration of the travel procedure will be carried in view to the current treatment of our representatives in Bucharest.

It is interesting to note that the Rumanian protest regarding the imposition of travel restrictions by a receiving country on the official personnel of a sending country constitutes a limitation of the normal activity of a diplomatic mission. When the Rumanian Government is disposed to remove the restrictions which it has imposed on the travel of our representatives in Rumania, we will be disposed to remove appropriately the restrictions which are presently applied to the personnel of the Rumanian Legation here.

61. RUMANIAN PROTEST AGAINST TRAVEL RESTRICTIONS

Note From the Secretary of State to the Rumanian Government, Washington, ² July 3, 1950³

The Secretary of State presents his compliments to the Minister of Rumania and, with reference to his note of June 19, 1950,⁴ has the honor to respond to the Rumanian Government's protest against regulations which the United States Government has instituted in respect of travel by personnel of the Legation at Washington.

It is of interest to note the Rumanian Government's expression of regret that the imposition of travel restrictions by the United States Government upon the official personnel of a sending government constitutes a limitation of the normal activity of a diplomatic mission. With this view, the United States Government readily agrees.

Restrictions of movement, like restrictions upon the free flow of information and cultural exchange as imposed by the United States Government, are basically distasteful to the American people and the United States Government. Travel regulations applicable to personnel of the Rumanian Legation at Washington have been instituted in view of the reciprocal limitation of diplomatic privilege in view of the effect of travel restrictions as applied by Rumanian authorities to the members of the American Legation at Bucharest.

On the one hand, the Rumanian Government complains that the restrictions on the travel of its Legation personnel tend to limit the diplomatic Mission from carrying on its normal activities. On the other hand, the Government of Rumania alleges that the travel restrictions are applied without discrimination to all foreign diplomatic Missions in Rumania. The inescapable deduction from these facts is that the Rumanian Government is applying the same

s applying measures which tend to prevent the performance of normal activities by all diplomatic Missions in Rumania.

Without debating the artificial contention of the Rumanian Government that its travel restrictions are nondiscriminatory, it may be said that the United States Government rejects the thesis that, no matter how obstructive and abnormal the behavior of a particular state toward American interests and official American representatives, the conduct of United States relations with that state must correspond uniformly with the conduct of United States relations with other states.

At such time as the Rumanian Government may be disposed to remove the restrictions which it has placed upon the travel within Rumania of American Legation personnel, especially in performance of the normal functions of a diplomatic Mission, the United States Government will be prepared to alter accordingly the restrictions which presently apply to travel by personnel of the Rumanian Legation within the United States. Meanwhile, as the Rumanian Government has been informed, the travel procedure will be administered with a view to the current treatment in this regard by Rumanian authorities of the United States representatives in Rumania.

2. PLOESTI TRIAL OF FORMER EMPLOYEES OF THE ROMANO-AMERICANA OIL COMPANY: Note From the American Legation at Bucharest to the Rumanian Foreign Ministry, February 20, 1953¹

The Legation of the United States of America presents its compliments to the Rumanian Ministry for Foreign Affairs and under instructions from its Government has the honor to call the Ministry's attention to the "trial" at Ploesti from February 9 to 12, 1953, of various Rumanian citizens, some of whom are former employees of the Romano-Americana Oil Company. Since, in the proceedings in the courtroom during the trial and in the commentaries published in the Rumanian press and broadcast over the official radio, various unfounded allegations and statements were made concerning the American oil companies and former American officials, the following facts are brought to the Rumanian Government's attention.

The Romano-Americana Oil Company was largely owned by citizens of the United States of America who had invested huge sums at great risk in the development of Rumanian petroleum resources. This was one of the important factors which enabled Rumania to obtain the substantial production of 8,600,000 metric tons of crude oil

had concluded an armistice¹ with the Union of Soviet Socialist Republics, Great Britain and the United States of America, representatives of these powers who constituted the Allied Control Commission for Rumania should have been restored to control of property belonging to their citizens. This was a matter of concern both to the Government of the United States and to American citizens directly concerned with the ownership and management of the Romano Americana Oil Company.

The Rumanian Government can have no legitimate complaint regarding any steps taken by American officials and American officers of that company to keep informed about American property and about operation of that company in the years 1945, 1946, and 1947 years in which a state of war still existed between Rumania and the United States of America. American owners had every right to know of the state of production of their company, its activities, personnel, financial status, sales, etc. Moreover, there were at that time no such laws concerning "state secrets" as now exist in Rumania, as substantially all of the information about which such slanderous statements have been made in connection with the Ploesti trial, was openly published in the *Monitorul Petrolului Roman*. If the Rumanian Government is not already aware of the fact, the Government of the United States takes this opportunity to inform it that all of the so-called espionage information of the type involved in the Ploesti trial is insofar as the American petroleum industry is concerned, freely available in published form in the United States and can thus be openly obtained by the Rumanian Legation in Washington.

It is clear that no "sabotage" could or did take place under the auspices of the managerial staff of the oil companies. The operation of such companies in Rumania after the war were an open book in which all details were known to the three elements (Soviet, British and American) of the Allied Control Commission and to the Rumanian Government. It is true that crude oil production declined after the war and reached its lowest point in 1947. There are two reasons for this, however, neither of which has any connection with falsely alleged "sabotage" by the management of the oil companies.

The first and main reason is military. In November and December 1944 alone, Soviet occupation authorities seized about 48,000 metric tons of tubular goods such as casing, tubing, drill pipe and line pipe. This amount represented sixty (60) percent of the stocks on hand. Stocks left in the country amounted to less than that needed for one year's amount of normal drilling. Furthermore, destruction of railway and tank car equipment as well as other petroleum equipment during the fighting and bombing in 1944 sharply reduced possibilities

sixty-eight (68) percent of the total petroleum output and seized exclusively for its own use the majority of available tank cars.

Faced with such a situation, the only way to rebuild the industry out of damages resulting from over-exploitation by the Germans during the war, from military operations, and from Soviet seizures, was investment of large amounts of new capital for repairing existing plant, for replacing lost equipment, and for exploring for new fields. This capital did not exist within Rumania in sufficient quantities, a fact which the present government admits when it claims that large quantities of equipment have been imported since 1948 from the Soviet Union at the price of giving that nation a major share in the ownership and management of the industry through so-called "Sovrom Petroleum" and "Sovrom Utilaj-Petrolifer" corporations. However, in 1945, 1946, and 1947, the only practicable sources of foreign capital were the United States and Great Britain who already had invested so much to give Rumania as large a petroleum industry as it then had.

Instead of encouraging American-owned companies to invest new funds in Rumania where risk was high, the Rumanian Government in connivance with the Soviet authorities in Rumania, after formation of Sovrom Petrol in May 1945, instituted a deliberate policy of harassing the operations of all privately owned enterprises. The Rumanian Government took no steps to assist such enterprises in the importation of desperately needed equipment, it failed to grant realistic prices, it barred, for purely political purposes, financial advances from the National Bank, it levied arbitrary taxes, forced qualified workers to resign, interfered needlessly in the day-to-day conduct of business, and allowed the General Confederation of Labor and the Communist Party to foment pointless strikes. In addition to such harmful practices it soon became painfully obvious that the ultimate intention of the Rumanian Government was to expropriate and nationalize all industrial enterprises except those that were Soviet-owned. When on June 11, 1948 the Rumanian Government did in fact pass legislation for the nationalization of industrial, banking, insurance, mining, transportation and other enterprises, with the exception of those having a Soviet interest, the United States Government pointed out that the legislation, being seriously discriminatory, was expressly prohibited by Article 31 (c) of the Treaty of Peace between Allied and Associated Powers and Rumania signed at Paris on February 10, 1947.¹ It was further pointed out that the nationalization legislation failed to provide for equitable valuation and prompt adequate and effective compensation. In view of the hostile attitude of the Rumanian Government after March 1945 and its obvious intention

ment of the oil companies. In fact, as has been shown, were due to seizures of equipment and forced exports of oil to the Soviet Union. The government will have a more explaining why in 1953, when production, according to oil is at the highest level in history, gasoline, oil, and lighting fuels are still rationed in the country, farmers must of hours in line to purchase two liters of kerosene for light at an exorbitant price, and city residents receive only kerosene per month.

The Government of the United States can arrive at no conclusion except that the Government of the Rumanian public has deliberately attempted by the so-called Ploesti the propaganda connected with it to add to its general misrepresentations against the Government and people of States. The American people, including in their midst thousands of Rumanian descent, have always had and continue friendliest feelings for the people of Rumania and the debt to their welfare. They deeply regret that the Government of Rumania does not share that desire and persists in tampering and promoting calumnies and slanders which only aim at the historical friendship between the two peoples.

63. CESSATION OF DISTRIBUTION OF *THE ROMANIAN NEWS* AND *NEWS FROM AMERICA*: Note From the Secretary of State to the Rumanian Minister at Washington, December 31, 1953 ²

The Secretary of State presents his compliments to the Minister of Rumania and has the honor to refer to the distribution of publications within the United States at the invitation of the Rumanian Legation. Special reference is made to the bulletin entitled, *The Romanian News*.

As the Legation is doubtless aware, the Rumanian Government has requested the American Legation at Bucharest to discontinue distribution in Rumania of a periodical issued by the Legation entitled *News From America*.

Accordingly, the Department of State requests the Rumanian Legation to cease forthwith the publication and distribution in the United States of *The Romanian News*. The distribution of this publication in the United States by the Rumanian Legation of other similar publications published at the expense of the Rumanian Government should also be terminated.

¹ Marin F. Ionescu.

² Department of State *Bulletin*, Jan. 11, 1954, p. 48.

4. ANTI-SEMITISM IN RUMANIA: Statement by the Deputy Under Secretary of State¹ to a Delegation From the American Jewish Committee, June 3, 1954²

In recent months the Rumanian Communist regime has brought to trial and sentenced to long prison terms scores of Rumanian Jews. Many of these recently sentenced have been held in prison without trial for several years, their only crime being that the regime considered them undesirable. The fate of the victims of this widespread persecution is cause for deep concern on the part of the Department of State as well as the American Jewish Committee.

The conduct of the Rumanian Government in this instance is but one more example of its callous disregard for human rights and fundamental freedoms. In order to instill fear in the hearts of the 50,000 Jews in Rumania that Government has found it necessary to sentence leaders of the Jewish community so that they might be held as hostages. Such conduct is not only in violation of the provisions of the Treaty of Peace with Rumania but also ignores the dictates of justice and humanity.

I am deeply moved by the tragic plight of these unfortunate Jewish leaders and sympathize with the feelings expressed by members of the delegation from the American Jewish Committee.

5. TENTH ANNIVERSARY OF THE COMMUNIST SEIZURE OF POWER: Statement by the Secretary of State, August 23, 1954³

Ten years ago today the Rumanian people, under the leadership of their King and of the heads of the country's democratic parties, freed themselves from Nazi domination and joined the Allies in the final decisive struggle for liberty. In the Royal Proclamation of August 3, 1944, King Mihai I stated that "the new government marks the beginning of an era in which the rights and liberties of all citizens will be respected."

These promising beginnings were halted on March 6, 1945, when the Soviet Government, in violation of its solemn undertaking, intervened in Rumanian affairs and installed the first of a series of puppet governments which have existed in that captive country until today.

The Communist rulers of Rumania have persistently sought to take over this national holiday and make it their own. The gri-

political leaders who organized and carried out that and have systematically suppressed all human rights and freedoms.

The travesty which the Communist regime seeks to perpetrate cannot deceive the people of Rumania. Likewise, it shows to the free world to the true significance of this date, or rather, in paying tribute to the fortitude and deep love of liberty of the Rumanian people.

66. RESTRICTIONS ON PHOTOGRAPHY AND SKETCHING

Note From the Secretary of State to the Rumanian Ambassador in Washington, ¹ June 9, 1955 ²

The Secretary of State presents his compliments to the Minister of the Rumanian People's Republic and his staff and to state that the following regulations have been instituted which apply until further notice to photography, sketching, and the making of works of plastic art in the United States by Rumanian personnel and their dependents.

1. Rumanian official personnel and their dependents in the United States may execute works of plastic art, take photographs, make sketches of historical and architectural monuments; the interiors of cultural, educational, and medical institutions; theaters; city, state or national parks; stadiums; and urban and suburban areas in the background of which there are none of the objects listed in points 3a through 3g.

2. Within the premises of economic enterprises and organizations engaged in the manufacture of civilian goods, as well as in educational institutions, Rumanian official personnel and their dependents in the United States may, in individual cases, execute works of plastic art, make sketches, or take photographs provided that they have obtained the permission of the administration of these enterprises and organizations.

3. Rumanian official personnel and their dependents in the United States may not execute works of plastic art, make sketches, or take photographs of the objects listed below. This provision is not applicable in cases where the specified objects are under construction.

- a. Areas where Rumanian official personnel and their dependents do not have free access.

- b. Industrial enterprises of any kind.

- c. Fuel storage depots.

- d. Military objects, installations, technology and armaments.

4. Rumanian official personnel and their dependents may not execute works of plastic art, make sketches, or take photographs from airplanes on flights over territory of the United States.

5. Rumanian official personnel and their dependents in the United States may not purchase or otherwise procure the following items except where such items appear in or are appendices to newspapers, periodicals, technical journals, atlases and books commercially available to the general public:

- a. Aerial photographs, mosaics and photomaps.
- b. Maps and charts of scale of or larger than 1:250,000.
- c. Navigational and hydrographic maps and charts.
- d. Panoramic photographs or detailed development plans of industrial cities.

The foregoing regulations are comparable to present Rumanian regulations restricting the execution of plastic works of art, photography and filming, by United States citizens in Rumania which presumably have been instituted for reasons of security.¹ If the Government of the Rumanian People's Republic should hereafter conclude that the international situation were such that security requirements enabled it to reexamine its regulations restricting the execution of plastic works of art, photography and filming by United States citizens in Rumania and to make available to them materials of the type noted above, the Government of the United States would, in turn, be disposed to reconsider its own security requirements on the same basis.

7. DEATH OF JULIU MANIU: Statement by the Department of State, October 25, 1955²

The circumstances surrounding the press interview last week in which Gheorghe Tatarescu, a former Premier and postwar Foreign Minister of Rumania, told of [Juliu] Maniu's death in prison furnish strong evidence that Maniu's death, frequently reported throughout Europe, is a fact despite lack of official confirmation by the Rumanian Government.

You will recall that in November 1947 Maniu and several other members of the Rumanian National Peasant Party were placed on trial in Bucharest. As Secretary of State Marshall said at that time of this trial, like that of Nikola Petkov in Bulgaria a few months earlier, it was a travesty of justice of which the evident purpose was to eliminate

whom he represented for many years, Juliu Maniu won the respect and admiration of his followers and admiration and respect everywhere.

His loss is felt not only by the peoples of Eastern Europe but by the friends of democracy throughout the world.

I. YUGOSLAVIA

68. MILITARY ASSISTANCE AGREEMENT BETWEEN THE UNITED STATES AND YUGOSLAVIA, NOVEMBER 1955

The Governments of the United States of America and the People's Republic of Yugoslavia;

Desiring to foster international peace and security within the framework of the Charter of the United Nations through which will further the ability of nations dedicated to the purposes and principles of the Charter to participate effectively in the efforts for individual and collective self-defense in support of the purposes and principles;

Reaffirming their determination to give their full support to the efforts to provide the United Nations with armed forces as contemplated by the Charter and to obtain agreement on the regulation and reduction of armaments under adequate international control against violations;

Taking into consideration the support that the Government of the United States of America has brought to these efforts in enacting the Mutual Defense Assistance Act of 1949,² and the Mutual Security Act of 1951,³ which provide for the furnishing of military assistance to certain nations;

Desiring to set forth the conditions which will govern the furnishing of such assistance;

Have agreed as follows:

Article I

1. The Government of the United States of America shall or continue to make available to the Government of the People's Republic of Yugoslavia equipment, materiel, and other assistance in accordance with such terms and conditions as may be agreed. The furnishing of such assistance shall be consistent with the Charter of the United Nations. Such assistance shall be furnished on the basis of the following conditions:

hereunder. The two Governments will, from time to time, negotiate detailed arrangements necessary to carry out the provisions of this paragraph.

2. The Government of the Federal People's Republic of Yugoslavia will use the assistance exclusively in furtherance of the purposes of the Charter of the United Nations for the promotion of international peace and security and for strengthening the defenses of the Federal People's Republic of Yugoslavia against aggression.

3. The Government of the Federal People's Republic of Yugoslavia undertakes not to transfer to any person not an officer or agent of that Government, or to any other nation, title to or possession of any equipment, materials, information, or services, received on a grant basis, without the prior consent of the Government of the United States of America.

4. The Government of the Federal People's Republic of Yugoslavia will provide the United States of America with reciprocal assistance by continuing to facilitate the production and transfer to the United States of America in such quantities and upon such terms and conditions as may be agreed on, of raw and semi-processed materials required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, and which may be available in Yugoslavia. Arrangements for such transfers shall give due regard to requirements of Yugoslavia for domestic use and commercial export.

Article II

1. Each Government will take appropriate measures consistent with security to keep the public informed of operations under this Agreement.

2. Each Government will take such security measures as may be agreed in each case between the two Governments in order to prevent the disclosure or compromise of classified military articles, services or information furnished pursuant to this Agreement.

Article III

The two Governments will, upon request of either of them, negotiate appropriate arrangements between them respecting responsibility for patent or similar claims based on the use of devices, processes, technological information or other forms of property protected by law in connection with equipment, materials or services furnished pursuant to this Agreement. In such negotiations consideration shall be given to the inclusion of an undertaking whereby each Government will assume the responsibility for all such claims.

ment for its administrative and operating expenditures in connection with carrying out this Agreement. The two Governments shall forthwith initiate discussions with a view to determining the number of such dinars and to agreeing upon arrangements for the payment of such dinars.

2. The Government of the Federal People's Republic of Yugoslavia will, except as otherwise agreed to, grant duty free treatment and exemption from taxation upon importation or exportation of property, materials or equipment imported into or exported from its territory in connection with this Agreement or any similar agreement between the Government of the United States of America and the government of any other country receiving military assistance.

Article V

The Government of the Federal People's Republic of Yugoslavia agrees to receive personnel of the Government of the United States of America who will discharge in its territory the responsibilities assigned to them by the Government of the United States of America under this Agreement, and who will be accorded facilities to observe the progress of the work and assistance furnished pursuant to this Agreement. It is understood that the two Governments that the number of such personnel shall be as low as possible. Such personnel who are United States nationals, including personnel temporarily assigned, will, in their relations with the Government of the Federal People's Republic of Yugoslavia, operate as a part of the Embassy of the United States of America under the direction and control of the Chief of the Diplomatic Mission, and will have the same status as that of other personnel of the corresponding rank of the Embassy of the United States of America who are United States nationals. Upon appropriate notification to the Government of the United States of America full diplomatic status will be granted to an agreed number of the personnel of the Mission thereto.

Article VI

1. The Government of the Federal People's Republic of Yugoslavia reaffirms that it will continue to join in promoting international peace, understanding and goodwill, and in maintaining world peace and stability consistent with its political and economic stability, the national security permitted by its manpower, resources, facilities, and economic condition to the development and maintenance of its own defensive strength and the defensive strength of the free world. It will take all reasonable measures which may be needed to maintain its defense capacities.

Article VII

1. This Agreement shall enter into force on the date of signature and will continue in force until one year after the receipt by either Party of written notice of the intention of the other Party to terminate it, provided that the provisions of Article I, paragraphs 2 and 3, and arrangements entered into under Article II, paragraph 2, and under Article III, shall remain in force unless otherwise agreed by the two Governments.

2. The Government of the United States of America reserves the right at any time to suspend its assistance to Yugoslavia made available pursuant to this Agreement, including deliveries of all supplies scheduled but not yet transferred.

3. The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to the Agreement.

4. The terms of this Agreement may at any time be reviewed at the request of either Government or amended by agreement between the two Governments.

5. This Agreement shall be registered with the Secretary General of the United Nations.

Done at Belgrade, in duplicate in the English and Serbo-Croatian languages, this fourteenth day of November, 1951.

9. HOSTILE ACTIVITIES OF THE SOVIET UNION AND ITS ALLIES AGAINST YUGOSLAVIA: Resolution 509 (VI) of the United Nations General Assembly, December 14, 1951¹

The General Assembly,
Having considered the complaint² submitted to it by the delegation of the Federal People's Republic of Yugoslavia concerning the activities of the Government of the Union of Soviet Socialist Republics and the Governments of Bulgaria, Hungary, Romania and Albania as well as the Governments of Czechoslovakia and Poland, against Yugoslavia,

Viewing with serious concern the tension between Yugoslavia on the one side, and the other above-mentioned countries on the other side,

Mindful of the purpose of the United Nations "to develop friendly

measures for the peaceful adjustment of any situation, origin, which it deems likely to impair the general welfare relations among nations",

1. *Takes note* of the declaration of the Yugoslav delegation that the Government of Yugoslavia for its part is ready to do the necessary for the carrying out of the recommendations of the resolution;

2. *Recommends* that the Governments concerned:

(a) Conduct their relations and settle their disputes in accordance with the spirit of the United Nations Charter;

(b) Conform in their diplomatic intercourse with the practices which are customary in international relations;

(c) Settle frontier disputes by means of mixed frontier commissions or other peaceful means of their choice.

70. JOINT COMMUNIQUÉ REGARDING ECONOMIC RELATIONS, NOVEMBER 22, 1954¹

Mutually beneficial informal discussions on economic relations have been under way since November 12 between representatives of the Yugoslav and United States Governments, were conducted by

The Yugoslav delegation was under the leadership of Svetozar Vukmanović, Vice President of the Federal Executive Council of the Federal People's Republic of Yugoslavia; Mr. Stanislav Kopčok, Counsellor in the Yugoslav Staff for Foreign Affairs, and Mr. Kiro Gligorov, Deputy Director of the Yugoslav Federal Planning Institute. The Yugoslav Ambassador to the United States, Mr. Leo Mates, also was present.

For the American side, the talks were conducted by William Stassen, Director of the Foreign Operations Administration; Secretary of State Herbert Hoover, Jr.; Deputy Under Secretary of State Robert Murphy; Deputy Assistant Secretary of State Kaijander; and Dr. D. A. Fitzgerald, Foreign Operations Administration Deputy Director.

During the talks, a broad informal exchange of views took place on many aspects of Yugoslavia's economic situation. Particular attention was directed to Yugoslavia's balance of payments, its supply of wheat and raw materials, and its foreign trade. The talks have led to an increased understanding on the part of the representatives of the two countries of their mutual problems. It is anticipated that further consideration of these matters will be carried forward in Belgrade.

¹ Department of State *Bulletin*, Dec. 6, 1954, p. 869.

1. COMMUNIQUÉ BY THE AMBASSADORS OF THE UNITED STATES, THE UNITED KINGDOM, AND FRANCE AT BELGRADE AND THE YUGOSLAV UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS, JUNE 27, 1955¹

Talks were held in Belgrade from June 24 to 27 between the Yugoslav Under Secretary of State for Foreign Affairs, M. Prica, the Ambassadors of the United States, the United Kingdom and France on the general international situation and questions of direct mutual concern.

These talks were a further step in a series of consultations, individual, or collective, between representatives of the three Western Governments and the Yugoslav Government.

This exchange of views, which took place in an atmosphere of cordiality and mutual confidence, confirmed the wide measure of agreement among the four Governments in their approach to the various international questions under review.

This meeting had special significance in view of the recent most favorable developments in the international situation. The four Governments were agreed that solutions to outstanding problems should be sought by peaceful means and by negotiations based upon full respect for and recognition of the right of all nations to independence, equality, self-defense and collective security in conformity with the Charter of the United Nations. They will continue to promote such solutions.

The four Governments express their firm conviction that the existence of a strong and independent Yugoslavia and continued cooperation between them under conditions of full equality are a contribution to peace and stability. They consider that the fruitful cooperation being developed in all fields in the Balkan alliance² is also an important contribution to peace and stability in this part of the world.

They believe that this method of exchange of views can help to promote an even closer understanding between themselves and can also contribute to a further improvement in the general international situation and to world peace. They are confident that the good relations developed between them in recent years in so many fields will be maintained and further expanded.

2. JOINT COMMUNIQUÉ REGARDING VISIT OF THE DEPUTY UNDER SECRETARY OF STATE TO BELGRADE, OCTOBER

range of problems of mutual interest to Yugoslavia and the United States. As a result, differences of opinion have been ironed out and a clearer understanding of objectives reached. This has been accomplished in a very cordial atmosphere and should establish a solid basis for further cooperation of the two countries. These meetings are evidence of the confidence and mutual respect which have been established between the two countries in recent years.

During his visit Mr. Murphy, accompanied by Ambassador W. J. Riddleberger, had luncheon and two conversations with President Tito and several meetings with Under Secretary of State Arthur W. Prica, Vice President Vukmanović-Tempo, and Minister Gosnjak. Mr. Murphy concluded his conversation with a luncheon on October 1 tendered at the American Embassy by Vice President Kardelj and other high-ranking Yugoslav and American officials.

73. STATEMENT REGARDING VISIT BY THE SECRETARY OF STATE TO YUGOSLAVIA, NOVEMBER 7, 1955

On November 6, 1955, the United States Secretary of State, Foster Dulles, met with the President of the Federal People's Republic of Yugoslavia, Josip Broz-Tito, at Brioni. The President of the Republic entertained the Secretary of State and his party.

Participating in the subsequent talks, held in the spirit of mutual understanding, were the Ambassador to Yugoslavia, W. J. Riddleberger, and the Counselor of the State Department, James MacArthur II, on the American side, and the Vice President of the Federal Executive Council, Edward Kardelj, the State Minister for Foreign Affairs, Koča Popović, and the Secretary General of the President of the Republic, Joza Vilfan, on the Yugoslav side.

Views were exchanged on the international situation and on subjects of mutual interest. The subjects that had been discussed were outlined by the Secretary of State at his press conference.

Agreement was noted on a series of issues, particularly on the possibility and necessity of continued efforts to improve relations and with regard to the further broadening of cooperation between the two countries.

The meeting proved once again the usefulness of direct contacts for a better understanding of the mutual positions and the promoting of the cause of peace and international cooperation under the charter of the United Nations.

Part XIII

NEAR AND MIDDLE EAST, SOUTH ASIA, AND AFRICA

A. *BASIC UNITED STATES POLICY*

. INCREASING STABILITY AND SECURITY IN THE MIDDLE EAST: Message by the President to the Congress, May 24, 1950 (Excerpt)¹

The countries of the Middle East are, for the most part, less developed industrially than those of Europe. They are, nevertheless, of great importance to the security of the entire free world. The region is a vital link of land, sea, and air communications between Europe, Asia, and Africa. In the free nations of the Middle East lie half of the oil reserves of the world.

No part of the world is more directly exposed to Soviet pressure. The Kremlin has lost no opportunity to stir these troubled waters. The postwar record amply demonstrates. Civil war in Greece; pressure for Turkish concessions on the Dardanelles; sponsorship of the rebellious Tudeh party in Iran; furthering of factional strife in the Arab States and Israel—all reflect a concerted design for the extension of Soviet domination to this vital area.

There is no simple formula for increasing stability and security in the Middle East. With the help of American military and economic assistance, Soviet pressure has already been firmly resisted in Turkey and the Soviet-inspired guerrilla war has been decisively defeated in Greece. But the pressure against the Middle East is unremitting. It can be overcome only by a continued build-up of armed defenses and the fostering of economic development. Only through such measures can these peoples advance toward stability and improvement.

able for other Middle Eastern nations if necessary. I am recommending 125 million dollars in economic aid for Middle Eastern countries, exclusive of Greece and Turkey for whom economic aid is provided as part of the program for Europe. This program includes programs of technical assistance to Libya, Ethiopia, three independent states of Africa whose economic problems are similar to those of the Middle Eastern countries.

Continuing military aid for Greece and Turkey will contribute to the further strengthening of these countries' large and modern armed forces, which have already displayed their value in the fight for freedom in Korea. In Iran, continuing military aid is required to help build internal security and defense, and economic aid to help sustain the Iranian economy and to the much needed longer-term process of economic development to the benefit of the Iranian people.

In the Arab States and Israel, the fundamental regional approach to the basic problems of economic development is urgently needed to reduce existing tensions, especially the orderly settlement of homeless refugees. The program for the Arab States will expand needed food production through development of land and water resources. The program for Israel is that country to maintain her economy during an essential period of her national development. At the same time, the program of assistance to the Arab refugees from Palestine, which extends beyond the coming fiscal year, has the threefold purpose of assisting the settlement of refugees, of strengthening the economies wherein they settle, and assisting both Israel and the Arab States by removing this threat to the peace of the area.

The program I am now proposing is a balanced program for strengthening the security of the Middle East. It will make a contribution to our hopes for peace.

2. SIX MAJOR POLICY ISSUES: Address by the President of the United States Upon His Return From a Tour of the Region.

About 3 weeks ago, the Director for Mutual Security, Stassen, and I and our associates set out, at President Eisenhower's request, on a trip to 12 countries which lie in between Europe and China in Asia. I shall give you country impressions and then our general conclusions.

First, let me say that everywhere we were well received.

As we drove through the streets, the people usually greeted us with friendly smiles and applause. The political leaders talked intimately with us, and we gained new friendships and new understanding which will stand us in good stead for the future. Also in each capital we spoke to all of the United States Foreign Service personnel. They are a fine body of men and women of whom we can be proud.

It is high time that the United States Government paid more attention to the Near East and South Asia, which, until our trip, no United States Secretary of State has ever visited. Our postwar attention has been primarily given to Western Europe. That area is vast and is very important, but not all-important.

It came as a surprising shock when the 450 million Chinese people, whom we had counted as friends, fell under Communist domination. There could be equally dangerous developments in the Near East and South Asia. The situation calls for urgent concern.

The area we visited contains about one-fourth of the world's population. It represents about one-half of the people of the world who are still free of Communist domination.

The Near East possesses great strategic importance as the bridge between Europe, Asia, and Africa. The present masters of the Kremlin, following the lead of past military conquerors, covet this position. In 1940 Soviet leaders specified, in secret negotiations with the Nazis, that Soviet "territorial aspirations center . . . in the direction of the Indian Ocean and . . . the Persian Gulf."¹

This area contains important resources vital to our welfare—oil, manganese, chrome, mica, and other minerals. About 60 percent of the proven oil reserves of the world are in the Near East.

Most important of all, the Near East is the source of three great religions—the Jewish, the Christian, and the Moslem—which have for centuries exerted an immense influence throughout the world. Surely we cannot ignore the fate of the peoples who have first perceived and then passed on to us the great spiritual truths from which our own society derives its inner strength.

EGYPT AND THE SUEZ BASE

Our first stop was in Egypt. There we had 3 days in which to get acquainted with General Naguib, who heads the Government. He is a popular hero, and I could readily see why. He and his associates are determined to provide Egypt with a vigorous government which will truly serve the people. Also, they seek to end the stationing of British troops and exercise of British authority at the Suez base.

Before we arrived in Egypt, a very tense situation had developed between the British and the Egyptian Governments. Conversation

We discussed the situation with General Naguib. The trouble is not so much the presence of British troops. The sides agreed that they should be withdrawn, but the sovereignty over and management of this gigantic base, its depots and its depots of supplies. Experienced administrative and personnel is needed to keep the base in operating efficiency. The provision of this personnel causes difficulty. The matter is of importance which goes beyond Egypt, for the base serves Eastern and indeed Western security.

I am convinced that there is nothing irreconcilable between international concern and Egyptian sovereignty. We are making some success, that there be further time to find a peaceful solution. The United States is prepared to assist in any desired way.

Egypt stands at the threshold of what can be a great new era. If this Suez problem can be satisfactorily solved, I am confident Egypt can find the means to develop its land and lift up its people and add a new bright chapter to a glorious past.

ISRAEL, JERUSALEM, AND REFUGEES

Next we went to Israel. We were impressed by the vigor and porting energy with which the people are building their new nation. Inspired by a great faith, they are now doing an impressive creation. They face hard internal problems, which I believe they will solve. Furthermore, the Prime Minister, Ben Gurion, and Israeli officials asserted convincingly their desire to live at peace with their Arab neighbors.

Jerusalem is divided into armed camps split between Israel and Arab nation of Jordan. The atmosphere is heavy with history. As I gazed on the Mount of Olives, I felt anew that Jerusalem is, indeed, the holy place of the Christian, Moslem, and Jewish faith. This has been repeatedly emphasized by the United Nations.¹ It does not necessarily exclude some political status in Jerusalem for Israel and Jordan. But the world religious community has claims on Jerusalem which take precedence over the political claims of any nation.

Closely huddled around Israel are most of the over 800,000 refugees, who fled from Palestine as the Israelis took over. They mostly exist in makeshift camps, with few facilities either for work, or recreation. Within these camps the inmates suffer spiritually and physically. Even the Grim Reaper offers no respite for as the older die, infants are born to inherit their parents' plight.

Some of these refugees could be settled in the area presently controlled by Israel. Most, however, could more readily be settled

and Mr. Stassen and I came back with the impression that they could well be spent in large part on a coordinated use of the rivers which run through the Arab countries and Israel.

JORDAN

Irrigation needs became most vivid as we motored from Jerusalem to Amman, the capital of Jordan. The road goes through the Dead Sea area, a scene of desolation with no sign of life other than the tents of thousands of refugees who survive precariously on the parched land and largely by aid of United Nations doles. Later on, as we flew north, we observed the waters of the Yarmak River, which could perhaps be diverted so as to return some of this vast desert valley into fertile land.

At Amman we dined with the charming and able new King Hus[s]ein and his Government. They are preoccupied with the problem of refugees and of relations with Israel. The inflow of refugees has almost doubled the population, and the long armistice line with Israel gives rise to frequent and dangerous shooting episodes.

SYRIA, LEBANON, IRAQ, AND SAUDI ARABIA

From Jordan we went to Syria. There we were impressed by General Shishakli. He is eager to develop the resources of his country which are substantial. Thus, the living standards of the Syrian people could be raised. This would, in turn, enable them to receive more refugees into a land which relatively is sparsely populated.

From Damascus, the capital of Syria, we motored to Beirut, the capital of Lebanon. The road took us over a mountain range, with refreshing snow in sharp contrast to the heat of the desert plains.

You will recall that Beirut is the home of the American University which has educated many of the Arab leaders of today. President Chamoun of Lebanon talked to us of his high hopes for his country and pointed to the role it might play, representing uniquely a meeting of East and West.

Leaving Lebanon for Iraq, we flew over the Tigris and Euphrate Valleys. This was the site of the Garden of Eden. Under its new ruler, King Faisal—who visited the United States last summer¹—the Government of Iraq is beginning to develop these valleys and restore their former productivity. The revenues from the oil production are being largely directed to this and other construction purposes. Iraq can be, and desires to be, the granary for much of this part of the world.

In Saudi Arabia we were received by King Ibn Saud, one of the

INDIA AND PAKISTAN

We left the Arab area to go first to India and then to Pakistan. These two nations, although independent for less than a decade, already play an influential part in world affairs.

In India I met again with Mr. Nehru, one of the great statesmen of our time. We had long conversations together in the intimate atmosphere of his home. His calm demeanor and lofty idealism impressed me. We reviewed together the international problems which concern both countries, including the problem of a Korean armistice and the situation in Southeast Asia. We did not always agree, but we did clear up misunderstandings and, I felt, gained respect for the interests and respective purposes. India is now supporting the armistice in Korea of the United Nations Command in Korea.

Mr. Stassen and I also obtained a clearer view of the content of India's 5-year program to improve the welfare of the Indian people.

India is the world's largest self-governing nation. It has a 2,000 miles of common boundary with Communist China. The competition occurring between these two countries as to which system of freedom or police-state methods can achieve better progress. This competition affects directly 800 million people in 2 countries. In the long run, the outcome will affect all of us, including ourselves. Our interest fully justifies continuing on a modest scale, some technical assistance and external relations to permit India to go on with its 5-year plan.

Pakistan is the largest of the Moslem nations and occupies a prominent position in the Moslem world. The strong spiritual faith and the spirit of the people make them a dependable bulwark against Communism.

The new Prime Minister, Mohammed Ali, whom we received as Ambassador to Washington,¹ energetically leads the new government. We met with a feeling of warm friendship on the part of the people of Pakistan toward the United States.

A grave and immediate problem is the shortage of wheat. Large imports, widespread famine conditions will ensue. We helped India in a similar emergency.² I believe that United States wheat assistance to Pakistan is essential.

It is not possible to think about United States aid without thinking that these countries cannot afford to waste their strength quarreling with each other and diverting their strength for use against each other.

That thought applies to the dispute between India and Pakistan about Kashmir. It is my impression from my conversations

RAN

It was not practical to include Iran in our schedule. However, we arranged that our Ambassador to Iran¹ should meet us in Pakistan. Iran is now preoccupied with its oil dispute with Great Britain. But still the people and the Government do not want this quarrel to expose them to Communist subversion. They have not forgotten the Soviet occupation of 1941-1946.

The United States will avoid any unwanted interference in the oil dispute. But we can usefully continue technical aid and assistance to this agricultural nation of Iran and in that way perhaps help prevent an economic collapse which would play into the hands of predatory forces.

TURKEY, GREECE, AND LIBYA

After Pakistan, we went to Turkey and Greece. These two countries have clearly demonstrated their intent to stand steadfast against Communist aggression and subversion. Despite their heavy commitments to NATO, both countries have contributed valiantly to the United Nations efforts in Korea.

We, in turn, plan to continue to help Greece and Turkey to grow stronger. They are valiant in spirit and hold a strategic position in Europe and Asia which enables them to help us. While in Greece I dined with the King and Queen and passed on to this charming couple President Eisenhower's invitation that they visit us this fall.

Our last stop before returning to the United States was Libya, the newest member of the family of nations. This country is located at a key spot on the North African coast on the Mediterranean. It has recently become an independent nation by action of the United Nations.³ Libya is cooperating with the United States and the United Kingdom in strengthening its own defenses and those of the Mediterranean area.

Let me turn now to conclusions.

1. *Colonialism.* Most of the peoples of the Near East and South Asia are deeply concerned about political independence for themselves and others. They are suspicious of the colonial powers. The United States too is suspect because, it is reasoned, our NATO alliance with France and Britain requires us to try to preserve or restore the old colonial interests of our allies.

I am convinced that United States policy has become unnecessarily ambiguous in this matter. The leaders of the countries I visited fully recognize that it would be a disaster if there were any break between the United States and Great Britain and France. They don't want

I emphasize, however, the word "orderly." Let none the Kremlin uses extreme nationalism to bait the trap seeks to capture the dependent peoples.

2. *Living Standards.* The peoples of the Near East demand better standards of living, and the day is past when tions can be ignored. The task is one primarily for the and the peoples themselves. In some cases they can use able resources, such as oil revenues, to better advantage. however, ways in which the United States can usefully h masses of money but by contributing advanced technics about transport, communication, fertilization, and use irrigation. Mr. Stassen and I feel that money wisely s area under the mutual security program will give th people a good return in terms of better understanding and

3. *Arab Good Will.* The United States should seek to a resentment against it that has resulted from the creation o the past we had good relations with the Arab peoples educational institutions had built up a feeling of good w American businessmen had won a good reputation in this a was mutual confidence to mutual advantage.

Today the Arab peoples are afraid that the United Sta the new State of Israel in aggressive expansion. They are of Zionism than of communism, and they fear lest the U become the backer of expansionist Zionism.

On the other hand, the Israelis fear that ultimately th try to push them into the sea.

In an effort to calm these contradictory fears the U joined with Britain and France in a Declaration of M which stated that "the three Governments, should they f of these states (of the Near East) was preparing to viol or armistice lines, would, consistently with their obligati bers of the United Nations, immediately take action, both outside the United Nations, to prevent such violat Declaration when made did not reassure the Arabs. It m clear that the present U.S. administration stands fully Declaration. We cannot afford to be distrusted by n could be sturdy friends of freedom. They must not furt ranks of Communist dictators.

The leaders in Israel themselves agreed with us that U policies should be impartial so as to win not only the regard of the Israeli but also of the Arab peoples. W such policies.

Israel should become part of the Near East community and cease to look upon itself, or be looked upon by others, as alien to the community. This is possible. To achieve it will require concessions on the part of both sides. But the gains to both will far outweigh the concessions required to win those gains.

The parties concerned have the primary responsibility of bringing peace to the area. But the United States will not hesitate by every appropriate means to use its influence to promote a step-by-step reduction of tension in the area and the conclusion of ultimate peace.

5. *Middle East Defense Organization.* A Middle East Defense Organization is a future rather than an immediate possibility. Many of the Arab League countries are so engrossed with their quarrels with Israel or with Great Britain or France that they pay little heed to the menace of Soviet communism. However, there is more concern when the Soviet Union is near. In general, the northern tier of nations shows awareness of the danger.

There is a vague desire to have a collective security system. But no such system can be imposed from without. It should be designed and grow from within out of a sense of common destiny and common danger.

While awaiting the formal creation of a security association, the United States can usefully help strengthen the interrelated defense of those countries which want strength, not as against each other or the West, but to resist the common threat to all free peoples.

6. *Friendly Understanding.* In conclusion, let me recall that the primary purpose of our trip was to show friendliness and to develop understanding. These peoples we visited are proud peoples who have a great tradition and, I believe, a great future. We in the United States are better off if we respect and honor them, and learn their thoughts and aspirations which move them. It profits nothing merely to be critical of others.

President Eisenhower's administration plans to make friendship—not faultfinding—the basis of its foreign policy. President Eisenhower brought with him from Europe an unprecedented measure of understanding and personal friendships. Before he was inaugurated, he went to Korea.¹ Twice since inauguration, Mr. Stassen and I have been to Europe.² Now we have been to the Near East and South Asia. Later this month, the President's brother, Dr. Milton Eisenhower, and Assistant Secretary of State Cabot will go to South America.³

Thus your Government is establishing the worldwide relationship and gathering the information which will enable us better to serve the American people.

3. PROGRESS IN RESOLVING MAJOR POLITICAL PROBLEMS Address by the Secretary of State, August 26,

One of the first things I did as Secretary of State was to visit the Middle East. I wanted to see for myself that area so rich in history and religious tradition, yet now so torn by strife and bloodshed. In the spring of 1953, I visited Egypt, Israel, Jordan, Syria, Iraq, and Saudi Arabia. Upon my return I spoke of the experiences I gathered on that trip and of the hopes which I held for the future. I held talks with leaders and people there.²

Some of those hopes have become realities. At that time the Suez Base was a center of controversy and of potential strife. The result of patient effort, in a spirit of conciliation, the problem of the Suez Base has been successfully resolved.³

Another problem which was then concerning many in the Middle East was that of the security of the area. That effective defense depended upon collective measures, such measures, to be dependable, needed to be a natural outgrowth of those who felt a sense of common destiny and of what could be a common danger. Here, too, there has been encouraging progress.

A third problem which called for attention was the problem of water to irrigate land. I mentioned in my report the possibility that the rivers flowing through the Jordan Valley might be used to turn the valley a source of livelihood rather than dispute. Since then, Ambassador Eric Johnston has held talks with the governments of the countries through which the River Jordan runs. There has been an encouraging willingness to accept the principle of equitable arrangements for the use of the waters. Plans for the development of the valley are well advanced.⁴ Ambassador Johnston's fourth visit to the countries concerned in an effort to settle the small margins of difference which still exist.

A beginning has been made, as you see, in doing away with the obstacles that stand in the way of the aspirations of the Eastern peoples. It is my hope—and that is the hope which I would now speak—that the time has come when it is possible to speak in terms of further steps toward stability, tranquillity, and progress in the Middle East.

¹ Department of State *Bulletin*, Sept. 5, 1955, pp. 378-380. The address was delivered before the Council on Foreign Relations in New York City. See also *ibid.*, Sept. 12, 1955, p. 421, Oct. 3, 1955, pp. 519-520, 19, 1955, p. 1009.

² See report by the Secretary of State, June 1, 1953, *supra*.

³ See the Anglo-Egyptian agreement of Oct. 19, 1954; *infra*, p. 2235.

⁴ See summary of statement of July 6, 1954, by Ambassador Johnston, pp. 2235-2236.

THE ARAB-ISRAEL PROBLEM

What are the principal remaining problems? They are those which were unresolved by the armistice[s] of 1949 which ended the fighting between Israelis and Arabs.¹ Before taking up these problems specifically, I would first pay high tribute to what the United Nations has done to preserve tranquillity and to serve humanity in the area. Despite these indispensable efforts, three problems remain that conspicuously require to be solved.

The first is the tragic plight of the 900,000 refugees who formerly lived in the territory that is now occupied by Israel.

The second is the pall of fear that hangs over the Arab and Israel people alike. The Arab countries fear that Israel will seek by violent means to expand at their expense. The Israelis fear that the Arabs will gradually marshal superior forces to be used to drive them into the sea, and they suffer from the economic measures now taken against them.

The third is the lack of fixed permanent boundaries between Israel and its Arab neighbors.

There are other important problems. But if these three principal problems could be dealt with, then the way would be paved for the solution of others.

These three problems seem capable of solution, and surely there is need.

Border clashes take an almost weekly toll of human lives and inflame an already dangerous mood of hatred. The sufferings of the Arab refugees are drawn out almost beyond the point of endurance. The fears which are at work, on each side, lead to a heavy burden of armament, which constitutes a serious drag on economic and social progress. Responsible leaders are finding it hard to turn their full attention and energies to the positive task of creating conditions of healthy growth.

Serious as the present situation is, there is a danger that, unless it improves, it will get worse. One ill leads to another, and cause and effect are hard to sort out. The atmosphere, if it worsens, could becloud clear judgments, making appear attractive what would in fact be reckless.

Both sides suffer greatly from the present situation, and both are anxious for what they would regard as a just and equitable solution. But neither has been able to find that way.

This may be a situation where mutual friends could serve the common good. This is particularly true since the area may not itself possess all of the ingredients needed for the full and early building of a condition of security and well-being.

The United States, as a friend of both Israelis and Arabs, has given

the situation deep and anxious thought and has come to conclusions, the expression of which may help men of good will in the area to fresh constructive efforts. I speak in this manner in the authority of President Eisenhower.

PROPOSED LOAN TO ISRAEL

To end the plight of the 900,000 refugees requiring uprooted people should, through resettlement and—to so far as may be feasible—repatriation, be enabled to restore their dignity and self-respect. To this end, there is need for arable land where refugees can find permanent homes and their own livelihood through their own work. Fortunately, there are technical projects for water development which can make this possible.

All this requires money.

Compensation is due from Israel to the refugees. It may be that Israel cannot, unaided, now make adequate compensation. If so, there might be an international loan to enable Israel to make compensation which is due and which would enable the refugees to find for themselves a better way of life.

President Eisenhower would recommend substantial assistance by the United States in such a loan for such a purpose. He would recommend that the United States contribute to the cost of water development and irrigation projects which would, directly or indirectly, facilitate the resettlement of the refugees.

These projects would, of course, do much more than facilitate the resettlement of refugees. They would enable the people of the area to enjoy a better life. Furthermore, a solution of the refugee problem would help in eliminating the problem of border incidents which have plagued and embittered the people on both sides of the borders.

COLLECTIVE SECURITY MEASURES

The second principal problem which I mentioned is the fear of insecurity. The nature of this fear is such that it is hardly within the power of the countries of the area, acting alone, to replace the feeling of security. There, as in many other areas, security can be achieved only by collective measures which commit decisive action to the deterring of aggression.

President Eisenhower has authorized me to say that, given the nature of the other related problems, he would recommend that the United States join in formal treaty engagements to prevent or deter any effort by either side to alter by force the boundaries of the area.

the burden of what threatens to become an armaments race if indeed it does not become a war; the political leadership of the area could devote itself to constructive tasks.

PROBLEM OF BOUNDARIES

If there is to be a guaranty of borders, it would be normal that there should be prior agreement upon what the borders are. That is the third major problem. The existing lines separating Israel and the Arab States were fixed by the armistice agreements of 1949. They were not designed to be permanent frontiers in every respect; in particular, at least, they reflected the status of the fighting at the moment.

The task of drawing permanent boundaries is admittedly one of difficulty. There is no single and sure guide, for each of two conflicting claims may seem to have merit. The difficulty is increased by the fact that even territory which is barren has acquired a sentimental significance. Surely the overall advantages of the measures here outlined would outweigh vastly any net disadvantages of the adjustments needed to convert armistice lines of danger into boundaries of safety. In spite of conflicting claims and sentiments, I believe it is possible to find a way of reconciling the vital interests of all the parties. The United States would be willing to help in the search for a solution if the parties to the dispute should desire.

If agreement can be reached on these basic problems of refugees, war, and boundaries, it should prove possible to find solutions for other questions, largely economic, which presently fan the flames of hostility and resentment.

It should also be possible to reach agreement on the status of Jerusalem. The United States would give its support to a United Nations review of this problem.

I have not attempted to enumerate all the issues on which it would be desirable to have a settlement; nor have I tried to outline in detail the form which a settlement of any of the elements might take. I have tried to show that possibilities exist for an immeasurable improvement and that the possibilities do not require any national making action which would be against its interests, whether those interests be measured in terms of material strength or in terms of national prestige and honor. I have also, I trust, made clear that the Government of the United States is disposed to enlarge those possibilities by contributions of its own, if this be desired by those concerned.

Both sides in this strife have a noble past, a heritage of rich contributions to civilization: both have fostered progress in science and

neighbor brings rich rewards to the people and to the world. In doing that involves some burdens, they are burdens which all States would share, just as we would share the satisfaction which would result to all peoples if happiness, contentment, and peace could drive hatred and misery away from peoples whom we hold in high respect and honor.

B. DEFENSE ARRANGEMENTS AND FACILITIES

Middle East Command Negotiations

4. PROPOSALS PRESENTED TO THE GOVERNMENT OF EGYPT BY THE GOVERNMENTS OF THE UNITED STATES, THE UNITED KINGDOM, FRANCE, AND TURKEY, 13, 1951¹

DOCUMENT A

POINT I

Egypt belongs to the free world and in consequence her defense that of the Middle East in general is equally vital to other nations.

POINT II

The defense of Egypt and of other countries in the Middle East against aggression from without can only be secured by the participation of all interested powers.

POINT III

The defense of Egypt can only be assured through the defense of the Middle East area and the coordination of its defense with that of adjacent areas.

POINT IV

It therefore seems desirable to establish an Allied Middle East Command in which the countries able and willing to contribute to the defense of the area should participate. France, the United Kingdom, the United States, and Turkey are the only countries which are able and willing to contribute to the defense of the area.

POINT V

Egypt is invited to participate as a founder member of the Middle East Command on a basis of equality and partnership with other founder members.

POINT VI

If Egypt is prepared to cooperate fully in the Allied Command Organization in accordance with the provisions of the attached annex, His Majesty's Government for their part would be willing to agree to supersession of the 1936 Treaty¹ and would also be willing to agree to withdraw from Egypt such British forces as are not allocated to the Allied Middle East Command by agreement between the Egyptian Government and the Governments of other countries also participating as founder members.

POINT VII

As regards armed forces to be placed at the disposal of the Allied Middle East Command and the provision to that Command of the necessary strategic defense facilities, such as military and air base communications, ports, etc., Egypt will be expected to make her contribution on the same footing as other participating powers.

POINT VIII

In keeping with the spirit of these arrangements Egypt would be invited to accept a position of high authority and responsibility within the Allied Middle East Command and to designate Egyptian officers for integration in the Allied Middle East Command Headquarters staff.

POINT IX

Facilities to train and equip her forces will be given to Egypt by those participating members of the Allied Command in a position to do so.

POINT X

The detailed organization of the Allied Middle East Defense Organization and its exact relationship with the N.A.T.O. have yet to be worked out in consultation between all the powers concerned. For this purpose it is proposed that all founding members of the Allied Middle East Command should send military representatives to a meeting to be held in the near future with the object of preparing detailed proposals for submission to the governments concerned.

defense of the Middle East

(b) that she will undertake to grant forces of the East Command all necessary facilities and assistance in war, imminent menace of war, or apprehended emergency including the use of Egyptian ports, airfields and communication.

[2]

We should also hope that Egypt would agree to the A Commander's Headquarters being located in her territory.

[3]

In keeping with the spirit of these arrangements, it was understood

(a) that the present British base in Egypt would be handed over to the Egyptians on the understanding that it would simultaneously become an Allied base within the Allied Command with full Egyptian participation in the running of the base in peace and war

(b) that the strength of the Allied force of participation to be stationed in Egypt in peacetime would be determined by the participating nations including Egypt from time to time as it is made in building up the force of the Allied Middle East Command.

[4]

It also would be understood that an air defense organization including both the Egyptian and Allied forces would be set up under the command of an officer with joint responsibility to the Egyptian Government and to the Allied Middle East Command for the defense of Egypt and Allied bases.

5. REJECTION BY EGYPT OF THE JOINT PROPOSALS presented by the Secretary of State, October 17, 1951

It is with genuine regret that the U. S. Government records the rejection on October 15² of the rejection by the Egyptian Government of the proposals presented to it on October 13 by the United States, France, Turkey, and the United Kingdom.³ This Government noted with surprise that the Egyptian Government rejected proposals of such importance without having given them the careful consideration and deliberation which they merited. These proposals were formulated by the nations interested in the welfare and stability of the Middle East after the most intensive and thorough consultation.

¹ Department of State *Bulletin*, Oct. 29, 1951, pp. 702-703.

² Not printed.

the special problems of the area. The invitation to join with the other sovereign nations of the free world in a joint and cooperative effort to make the world safe from aggression was wholly consistent with the independence and sovereignty of Egypt.

Vigilance in protecting the liberties we enjoy is the responsibility of every nation of the free world. The spirit of responsibility to others requires that no nation carelessly precipitate events which can have no constructive end but which by their nature create those elements of confusion and weakness which tempt aggression. It is the hope of the U. S. Government that Egypt will carefully reconsider the course of action on which it has embarked and will recognize that its own interest will be served by joining the other nations of the free world in assuring the defense of the Middle East against the common danger.

The U. S. Government must reaffirm its belief that the action of the Egyptian Government with respect to the Anglo-Egyptian Treaty of 1936¹ and the agreements of 1899² regarding the Sudan is not in accord with proper respect for international obligations. For its part the U. S. Government considers the action of the Egyptian Government to be without validity.

It is the sincere hope of the United States that great restraint will be shown in the present situation and that the obligation of all nations towards the preservation of world law and order will be respected.

. GUIDING PRINCIPLES OF THE PROPOSED MIDDLE EAST COMMAND: Statement by the Governments of the United States, the United Kingdom, France, and Turkey, November 10, 1951³

In proceeding with their announced intention to establish the Middle East Command, the Governments of the United States, United Kingdom, France, and Turkey state that they are guided by the following principles:

1. The United Nations is a world response to the principle that peace is indivisible and that the security of all states is jeopardized by breaches of the peace anywhere; at the same time it is incumbent upon the states of any area to be willing and able to undertake their initial defense of their area.

2. The defense of the Middle East is vital to the free world and its defense against outside aggression can be secured only by the cooperation of all interested states.

4. A function of the Middle East Command will be to support the states willing to join in the defense of the Middle East and to develop the capacity of each to play its proper part in the defense of the area as a whole against outside aggression. The Command will not interfere in problems and disputes arising within the area. The establishment of the Middle East Command in no way affects the arrangements relating to such matters, notably the armistices¹ and the United States-United Kingdom-French Declaration of May 1950.²

5. The task of the Middle East Command at the outset will be primarily one of planning and providing the Middle East states with their request with assistance in the form of advice and information. Requests for arms and equipment made by states in the area to join in its defense to sponsoring states in a position to supply them in connection will be filled by them to the extent possible for the sake of coordination of such requests through the Middle East Command.

6. The Supreme Allied Commander Middle East will have command of the forces placed at his disposal and will develop plans for the use of all forces within the area (or to be introduced into the area) in time of war or international emergency. However, the command of forces under the command of the Supreme Allied Commander Middle East in peacetime is not a prerequisite for joining in the defense of the Middle East. Movement of forces placed under the command of the Supreme Allied Commander Middle East to or within the territories of states joining in the defense of the Middle East will be made only with the agreement of the states concerned and in full accord with their national interests and sovereignty.

7. While details have yet to be formulated, the sponsors intend that the Middle East Command should be an international command, not a national command. The responsibility for the defense of the Middle East will be to insure the success of the corporate defense enterprise represented by the Middle East Command. All states joining in this enterprise will be individually responsible to the command on the basis of equality through a Middle East Defense Liaison Organization which will be located at the Middle East Command Headquarters and will be the link between the command and the countries ready to join in the defense of this area.

8. Any facilities granted to the Middle East Command by states joining in the defense of the Middle East will be the subject of separate agreements.

9. The broad mission of the Middle East Command will be of a co-operative character make it necessary that all States, with the exception of the Soviet Union, should be invited to join in the defense of the Middle East.

capacity for defense in a vitally important area so that the peacetime role of the states of the area in Middle East defense will progressively increase, thus permitting the peacetime role of states not territorially part of the Middle East to be decreased proportionately.

11. The sponsoring states of the Middle East Command do not regard the initial form in which the Middle East Command will be organized as unchangeable; they believe that the Middle East Command through mutual understanding should evolve in the manner which will enable it most effectively to provide for the defense of the Middle East area as a whole.

V. **REPLY TO SOVIET OBJECTIONS TO THE ESTABLISHMENT OF A MIDDLE EAST COMMAND: Note From the American Embassy at Moscow to the Soviet Ministry of Foreign Affairs, December 18, 1951**¹

The Government of the United States has given careful consideration to the note of the Government of the U.S.S.R. of November 24² concerning the proposed establishment of the Middle East Command.

It is apparent that the Soviet Union has placed a completely erroneous interpretation upon the Middle East Command and has chosen to ignore the clearly-stated purposes and principles upon which the Middle East Command will be founded.

The allegation of the Soviet Union that the Middle East Command is aggressive in intent is utterly without foundation. On the contrary, the statement of principles published by the United Kingdom, France, Turkey, and the United States on November 10³ make abundantly clear that the Middle East Command is designed (1) to create a voluntary cooperative defense organization to provide for the security of the Middle East area as a whole in the event that the area should become a target of outside aggression, and (2) to assist the states in the area to preserve and strengthen their independence and freedom so that their economic well-being and social institutions can develop in an atmosphere unclouded by fear for their security.

The Middle East Command proposals and principles are based upon the inherent right of self-defense set forth in article 51 of the Charter of the United Nations. Such self-defense is facilitated by cooperative measures like the Middle East Command. The need for these cooperative measures arises from the concern over present

that the idea that any threat exists to the Middle East is "absolutely groundless." The United States Government and the Soviet Government that on November 25, 1940, a U. S. S. R. People's Commissar for Foreign Affairs and German Ambassador Schulenburg to reach agreement with the Government of Germany on the delimitation of the spheres of influence between the Axis Powers and the U. S. S. R. provided, among other things, that the U. S. S. R. be enabled to establish "a base for air and naval forces" within range of the Turkish Straits and the area south of Batum and of Baku in the general direction of the Persian Gulf is recognized as the center of the aspirations of the Soviet Union."¹ In light of the Soviet attitude toward the Middle East area since the end of World War II, the United States Government can only assume that the aims set forth by Mr. Schulenburg in 1940 remain the policy of the Soviet Government.

With respect to the Soviet allegation that the sponsors of the Middle East Command intend to convert the Middle East into a sphere of influence with a view to occupying the states in the area and interfering in their internal affairs, the principles submitted to the United Nations on November 10 make it clear that (a) the Middle East Command will not interfere in matters arising within the area, (b) the movement of Middle East Command forces to or within the area, and (c) of the Middle East states will be made only with the consent of the state or states concerned in full accord with their national independence and sovereignty; and (c) that facilities granted to the Middle East Command will likewise be the subject of special agreements.

The United States and other members of the NATO have repeatedly been exposed to the purely propagandistic charge from the Soviet Union that the NATO is aggressive. That this charge is a complete distortion of the facts is made clear by the terms of the Treaty,² which was taken under it, and by the foreign policies of the member states. Devoted to the cause of peace, the members believe that the best way to serve this cause by their just determination to defend themselves against aggression. The United States wishes to make it clear to the Soviet Union that neither the NATO nor the Middle East Command is aggressive in intent. As is well known to the United States and to the Governments satellite to it, there has been no aggression whatsoever originating from the countries who are members of these organizations. Furthermore, there will not be any aggression in the future, for, the Soviet reference to "the aggressive Atlantic Blockade" is again rejected as being without any foundation whatsoever.

governments of the sovereign and independent Middle East states for their study and evaluation in the light of their own national interests. The decision as to whether they will elect to participate in the Command and freely accept the benefits and responsibilities of such participation belongs to these states alone and not to the Soviet Government. The recent Soviet threats to these states warning against their participation in the Middle East Command constitute interference in the affairs of these countries. The United States Government believes, as the Soviet Government professes to do, that the peoples of the Middle East have the right to conduct their national policies "free from any kind of external pressure." The Government of the U.S.S.R. bears the responsibility for the present situation, not those states which, either individually or collectively under the Charter of the United Nations, take legitimate measures of self-defense in the interest of their own security and of international peace.

NATO's Eastern Arm—Greece and Turkey

8. PRELIMINARY ASSOCIATION WITH NATO: Note Verbal From the Secretary of State to the Turkish Ambassador at Washington, September 19, 1950 ¹

In connection with the examination of security problems confronting the Fifth Session of the North Atlantic Council,² it was recognized that, in the case of the Mediterranean area, it would be desirable, if the Turkish Government so wished, to make arrangements which would permit Turkey to be associated with such appropriate phases of the military planning work of the North Atlantic Treaty Organization as are concerned with the defense of the Mediterranean.

The Council is keenly aware of the active support which Turkey, as a member of the United Nations, has accorded the principles of the United Nations and of the important role which Turkey is playing in the maintenance of the stability of the eastern Mediterranean area.

It is the view of the Council that association of the Turkish Government with the appropriate phase of the planning work of the North Atlantic Treaty Organization with regard to the defense of the

[PROTOCOL TO THE NORTH ATLANTIC TREATY ACCESSION OF GREECE AND TURKEY, OCTOBER

9. UNITED STATES USE OF DEFENSE FACILITIES: Between the United States and the Kingdom of Greece 12, 1953²

The United States of America and the Kingdom of Greece, parties of the North Atlantic Treaty, which was signed at Washington on April 4, 1949³ and having regard to their respective responsibilities under the aforesaid Treaty to provide for the security and defense of the North Atlantic Treaty Area, and under Article 3 thereof to increase their collective capacity to resist armed attack, have entered into the following Agreement:

Article I

1. The Government of Greece hereby authorizes the Government of the United States of America, subject to the terms and conditions set forth in this Agreement and to technical arrangements agreed upon by the appropriate authorities of the two Governments, to utilize the facilities, railways and areas, and to construct, develop, use and operate military and supporting facilities in Greece as appropriate. The Government of the two Governments shall from time to time agree to the terms for the implementation of, or in furtherance of, approved plans. The construction, development, use and operation of such facilities shall be consistent with recommendations, standards and directives from the North Atlantic Treaty Organization, where applicable.

2. For the purpose of this Agreement and in accordance with the technical arrangements to be agreed between the appropriate authorities of the two Governments, the Government of the United States of America may bring in, station and house in Greece United States Armed Forces personnel. United States Armed Forces and equipment may enter, exit, circulate within and overfly Greek territorial waters subject to any technical arrangements to be agreed upon by the appropriate authorities of the two Governments. These operations shall be free from all charges, duties and taxes.

3. The priorities, rates of consumption and charges estimated by the United States Armed Forces for such services as electricity, sewerage, water supply, communication systems, and personnel transportation by rail will be no less favorable

Article II

1. Equipment, materials and supplies imported by or on behalf of the Government of the United States of America in connection with the construction, development, operation or maintenance of agreed installations and facilities and the official support of the United States Forces, civilian components, and their dependents shall be exempt from all duties, taxes, custom restrictions and inspections.

2. All removable facilities erected or constructed by or on behalf of the Government of the United States of America at its sole expense and all equipment, materials and supplies brought into Greece or purchased in Greece by or on behalf of the Government of the United States of America in connection with the construction, development, operation and maintenance of agreed installations and facilities will remain the property of the Government of the United States of America and may be removed from Greece. No such removal or disposition will be undertaken which will prejudice the mission of the NATO.

3. The United States of America will be compensated by the Greek Government for the residual value, if any, of the facilities acquired, developed and constructed at United States expense under the present Agreement and not removed or otherwise disposed of in accordance with paragraph 2 of this Article, including those facilities developed or constructed jointly by United States and Greek funds, when such facilities or any part thereof are no longer needed by the military forces of the United States. The amount and manner of compensation shall be in accordance with agreements to be made between the appropriate authorities of the contracting parties. Negotiations as to the method for treating the residual value of these facilities will be without prejudice to agreements within the NATO.

Article III

For the implementation of this Agreement the provisions of Article I, paragraphs 3a and 3b of Legislative Decree 694 of May 7, 1947 and the Memorandum of Understanding between the Government of the United States and the Government of Greece dated February 1953,¹ shall be applied in accordance with terms mutually agreed.

2. The United States Armed Forces in Greece under this Agreement may also establish and continue to use or operate United States military post offices.

Article IV

The present Agreement will come into force from the date on which it is signed and will remain in effect during the period of the validity

The Governments of the United States and Turkey with their mutual satisfaction as a result of the visit of Prime Minister Adnan Menderes to Washington. It has provided a valuable opportunity for the Turkish Prime Minister to discuss those matters of common interest to the two countries with President Eisenhower, Secretary of State Dulles, Secretary of Defense Wilson, FOA Director Stassen, and other high ranking United States officials.

During his visit the Prime Minister also met with members of Congress who are active in committees concerned with foreign affairs. In such meetings Mr. Menderes engaged in a frank exchange of views and opinions relative to the common goals and interests of the two countries.

Further, the visit afforded an occasion for the Prime Minister to place before the United States Government a clear and firm statement of Turkish policy to act as a convinced and determined member of NATO, to develop closer political and military ties with friendly nations in the free world, in and out of NATO, and to support the mutual efforts of the United States and other free nations to organize for world security.

The official visit has also provided another opportunity for the United States Government to reaffirm its recognition of Turkey's position. Turkey has assumed a defense posture which includes a large armed force and which places a heavy strain upon the resources of the country and people and that substantial assistance from the United States and from other free nations who are in a position to provide such assistance is necessary in order to permit the attainment of common objectives for a collective defense. In this direction the United States Government intends to continue to base its program of military assistance to the Republic of Turkey toward meeting the requirements of the NATO-approved Turkish force goals. In order to enable Turkey to meet the requirements of her armed forces under the above program during the coming year, the United States Government has taken the action of Congress and a review of commitments and is disposed to increase its presently approved military assistance program. The United States Government is further accelerating deliveries of items in the present pipeline of roughly \$1 billion dollars of military equipment presently approved and programmed for Turkey.

In recognition of the fact that the support and maintenance of a large defense force will place a strain upon the Turkish economy which it cannot presently bear without external assistance, the United States further recognizes the fact that it is in our common interest that Turkey be placed in a position where it can support the maintenance of its military establishment and its economy through its own

¹ Department of State *Bulletin*, June 14, 1954, pp. 912-913.

the shortest possible time, the United States Executive Branch has requested the Congress for funds which would permit the furnishing of economic assistance to Turkey during the coming fiscal year.¹ Although it is impossible for the United States Government to make any commitments as to its intentions with respect to the furnishing of military or economic support assistance beyond Fiscal Year 1955, it has been agreed with the Republic of Turkey to continue the appraisal of Turkey's possible future needs and of the measures which may have to be taken by the Government of Turkey and the Government of the United States in the attainment of their common objective.

Mutual Defense Assistance Arrangements With Pakistan

1. COLLECTIVE SECURITY IN THE MIDDLE EAST: Statement by the Department of State, February 19, 1954²

The U. S. Government warmly welcomes the announced intention of the Governments of Turkey and Pakistan "to study methods of achieving closer friendly collaboration in the political, economic, and cultural spheres as well as of strengthening peace and security in the area in their own interest as also in that of all peace-loving nations."³ This forward-looking step should provide increased assurances that these and other countries in the area will be able to maintain the independence and sovereignty they so highly prize. No nation standing alone can obtain adequate security at bearable cost. This principle has already been accepted and applied throughout most of the free nations of Europe, North and South America, and the Western Pacific.

The Secretary of State reported last spring on his return from a trip through the Near East and South Asia that he found certain countries of the area concerned at the dangers which threatened them and others in the free world.⁴ He also reported that he found some desire for a collective security system in the area, but emphasized that such a system should be designed and grow from within out of a sense of common destiny and common danger. It is evident that the proposal of these two Governments is of this character and constitutes a constructive step toward broadening the base of the collective strength of the free world.

¹ See par. (C), (2), Sec. 105, of the Mutual Security Act of 1954; *infra*, p. 310.

² Department of State *Bulletin*, Mar. 1, 1954, pp. 327-328.

³ This announcement by Turkey and Pakistan was made, Feb. 19, 1954.

⁴ See *supra*, doc. 2.

12. DEFENSIVE PURPOSE OF UNITED STATES MILITARY AID:

Message From the President of the United States to the Prime Minister of India, February 24, 1954¹

DEAR MR. PRIME MINISTER: I send you this personal message because I want you to know about my decision to extend military aid to Pakistan before it is public knowledge and also because I want you to know directly from me that this step does not in any way affect the friendship we feel for India. Quite the contrary. We will continually strive to strengthen the warm and enduring friendship between our two countries.

Our two Governments have agreed that our desires for peace are in accord. It has also been understood that if our interpretation of existing circumstances and our belief in how to achieve our goals differ, it is the right and duty of sovereign nations to make their own decisions. Having studied long and carefully the problem of opposing possible aggression in the Middle East, I believe that consultation between Pakistan and Turkey about security problems will serve the interests not only of Pakistan and Turkey but also of the whole free world.² Improvement in Pakistan's defensive capability will also serve these interests and it is for this reason that our aid will be given. This Government's views on this subject are elaborated in a public statement I will release, a copy of which Ambassador Allen will give you.³

What we are proposing to do, and what Pakistan is agreeing to, is not directed in any way against India. And I am confirming publicly that if our aid to any country, including Pakistan, is misused and directed against another in aggression I will undertake immediately in accordance with my constitutional authority, appropriate action both within and without the UN to thwart such aggression. I believe that the Pakistan-Turkey collaboration agreement⁴ which is being discussed is sound evidence of the defensive purposes which both countries have in mind.

I know that you and your Government are keenly aware of the need for economic progress as a prime requisite for stability and strength. This Government has extended assistance to India in recognition of this fact, and I am recommending to Congress a continuation of economic and technical aid for this reason. We also believe it in the interest of the free world that India have a strong military defense capability and have admired the effective way your Government has administered your military establishment. If your Government should conclude that circumstances require military aid of a type contemplated by our mutual security legislation, please

I regret that there has been such widespread and unfounded speculation on this subject. Now that the facts are known, I hope that the real import of our decision will be understood.

3. INCREASING THE DEFENSE POTENTIAL OF PAKISTAN

Statement by the President, February 25, 1954¹

On February 19th, Turkey and Pakistan announced their intention to study methods of achieving closer collaboration on various matters including means designed towards strengthening peace and security. This Government welcomed this move and called it a constructive step towards better ensuring the security of the whole area of the Middle East. The Government of Pakistan has now asked the United States to grant military assistance.

I have said repeatedly that regional groupings to ensure security against aggression constitute the most effective means to assure survival and progress. No nation can stand alone today. My report to the Congress on June 30, 1953 stated that we should strengthen efforts towards regional political, military and economic integration, therefore, under the authority granted by the Congress, am glad to comply with Pakistan's request, subject to the negotiation of the required MDAP agreement.

This Government has been gravely concerned over the weakness of defensive capabilities in the Middle East. It was for the purpose of helping to increase the defense potential in this area that Congress in its last session appropriated funds to be used to assist those nations in the area which desired such assistance, which would pledge the willingness to promote international peace and security within the framework of the United Nations, and which would take effective collective measures to prevent and remove threats to peace.³

Let me make it clear that we shall be guided by the stated purposes and requirements of the mutual security legislation. Those include specifically the provision that equipment, materials or services provided will be used solely to maintain the recipient country's internal security and for its legitimate self defense, or to permit it to participate in the defense of the area of which it is a part. Any recipient country also must undertake that it will not engage in any act of aggression against any other nation.⁴ These undertakings afford adequate assurance to all nations, regardless of their political orientation and whatever their international policies may be that the arms th

tional authority, appropriate action both within and without to thwart such aggression. I would also consult with the on further steps.

The United States earnestly desires that there be increase and strength in the Middle East, as it has desired this for other parts of the free world. It believes that the aspirations of the peoples in this area for maintaining and developing their freedom and for realizing the social advances close to their hearts are best served by strength to deter aggression and to reduce aggression. The United States is prepared to help in this if its help is wanted.

14. MUTUAL DEFENSE ASSISTANCE AGREEMENT BETWEEN THE UNITED STATES AND PAKISTAN, MAY 1951

The Government of the United States of America and the Government of Pakistan,

Desiring to foster international peace and security within the framework of the work of the Charter of the United Nations through measures which will further the ability of nations dedicated to the purposes and principles of the Charter to participate effectively in arrangements for individual and collective self-defence in support of those purposes and principles;

Reaffirming their determination to give their full co-operation in the efforts to provide the United Nations with armed forces authorized and contemplated by the Charter and to participate in United Nations collective defence arrangements and measures, and to obtain agreement to a universal regulation and reduction of armaments under the auspices of a guarantee against violation or evasion;

Taking into consideration the support which the Government of the United States has brought to these principles by enacting the Mutual Defence Assistance Act of 1949, as amended,² and the Mutual Security Act of 1951, as amended;³

Desiring to set forth the conditions which will govern the terms of such assistance;

Have agreed:

ARTICLE I

1. The Government of the United States will make available to the Government of Pakistan such equipment, materials, services, and technical assistance as the Government of the United States may determine in accordance with such terms and conditions as may be agreed upon. The furnishing and use of such assistance shall be consistent with the national defense requirements of the United States.

¹ TIAS 2976; 5 UST 852.

² 63 Stat. 714; 22 U. S. C. § 1571 note.

³ *Infra*, pp. 3059-3086.

available by the Government of the United States pursuant to the Agreement will be furnished under the provisions and subject to all the terms, conditions and termination provisions of the Mutual Defense Assistance Act of 1949 and the Mutual Security Act of 1951, act amendatory or supplementary thereto, appropriation acts thereunder or any other applicable legislative provisions. The two Governments will, from time to time, negotiate detailed arrangements necessary to carry out the provisions of this paragraph.

2. The Government of Pakistan will use this assistance exclusively to maintain its internal security, its legitimate self-defence, or to permit it to participate in the defence of the area, or in United Nations collective security arrangements and measures, and Pakistan will not undertake any act of aggression against any other nation. The Government of Pakistan will not, without the prior agreement of the Government of the United States, devote such assistance to purposes other than those for which it was furnished.

3. Arrangements will be entered into under which equipment and materials furnished pursuant to this Agreement and no longer required or used exclusively for the purposes for which originally made available will be offered for return to the Government of the United States.

4. The Government of Pakistan will not transfer to any person not an officer or agent of that Government, or to any other nation, title to or possession of any equipment, materials, property, information or services received under this Agreement, without the prior consent of the Government of the United States.

5. The Government of Pakistan will take such security measures as may be agreed in each case between the two Governments in order to prevent the disclosure or compromise of classified military articles, services or information furnished pursuant to this Agreement.

6. Each Government will take appropriate measures consistent with security to keep the public informed of operations under the Agreement.

7. The two Governments will establish procedures whereby the Government of Pakistan will so deposit, segregate or assure title to all funds allocated to or derived from any programme of assistance undertaken by the Government of the United States so that such funds shall not, except as may otherwise be mutually agreed, be subject to garnishment, attachment, seizure or other legal process by any person, firm, agency, corporation, organization or government.

ARTICLE II

The two Governments will, upon request of either of them, negotiate appropriate arrangements between them relating to the exchange of patent rights and technical information for defence which will expedite such exchanges and at the same time protect private interests and maintain necessary security safeguards.

ARTICLE III

1. The Government of Pakistan will make available to the Government of the United States rupees for the use of the latter for its administrative and operating expenditures in carrying out the purposes of this Agreement. The two Governments will forthwith initiate discussions with a view to determining the amount of such rupees and to agreeing upon arrangements for the furnishing of such funds.

2. The Government of Pakistan will, except as may be mutually agreed, grant duty-free treatment on importation and exemption from internal taxation upon products, materials or equipment imported into its territory in connection with this Agreement or any similar Agreement between the Government of the United States and the Government of any other country receiving military assistance.

3. Tax relief will be accorded to all expenditures incurred by or on behalf of, the Government of the United States for its defence effort, including expenditures for any foreign aid program of the United States. The Government of Pakistan will make procedures satisfactory to both Governments so that such expenditures will be net of taxes.

ARTICLE IV

1. The Government of Pakistan will receive personnel of the Government of the United States who will discharge in Pakistan the responsibilities of the Government of the United States under this Agreement and who will be accorded facilities and authorities to serve the progress of the assistance furnished pursuant to this Agreement. Such personnel who are United States national personnel temporarily assigned, will, in their relations with the Government of Pakistan, operate as part of the Embassy of the United States of America under the direction and control of the Diplomatic Mission, and will have the same privileges and immunities as are accorded other personnel with corresponding status of the Embassy of the United States who are United States citizens. Upon appropriate notification by the Government of the United States the Government of Pakistan will grant full diplomatic immunity to the senior military member assigned under this Agreement. The senior Army, Navy and Air Force officers and their immediate deputies.

2. The Government of Pakistan will grant exemption from import and export duties on personal property imported for the use of such personnel or of their families and will take reasonable measures to facilitate and expedite the importation and exportation of the personal property of such personnel and their families.

1. The Government of Pakistan will:
 - (a) join in promoting international understanding and goodwill and maintaining world peace;
 - (b) take such action as may be mutually agreed upon to eliminate causes of international tension;
 - (c) make, consistent with its political and economic stability, the full contribution permitted by its manpower, resources, facilities and general economic condition to the development and maintenance of its own defensive strength and the defensive strength of the free world;
 - (d) take all reasonable measures which may be needed to develop its defence capacities; and
 - (e) take appropriate steps to insure the effective utilisation of the economic and military assistance provided by the United States.
2. (a) The Government of Pakistan will, consistent with the Charter of the United Nations, furnish to the Government of the United States, or to such other governments as the Parties hereto may in each case agree upon, such equipment, materials, services or other assistance as may be agreed upon in order to increase their capacity for individual and collective self-defense and to facilitate their effective participation in the United Nations system for collective security.
- (b) In conformity with the principle of mutual aid, the Government of Pakistan will facilitate the production and transfer to the Government of the United States, for such period of time, in such quantities and upon such terms and conditions as may be agreed upon, of raw and semi-processed materials required by the United States as a result of deficiencies or potential deficiencies in its own resources, and which may be available in Pakistan. Arrangements for such transfers shall give due regard to reasonable requirements of Pakistan for domestic use and commercial export.

ARTICLE VI

In the interest of their mutual security the Government of Pakistan will co-operate with the Government of the United States in taking measures designed to control trade with nations which threaten the maintenance of world peace.

ARTICLE VII

1. This Agreement shall enter into force on the date of signature and will continue in force until one year after the receipt by either party of written notice of the intention of the other party to terminate it, except that the provisions of Article I, paragraphs 2 and 4, and arrangements entered into under Article I, paragraphs 3, 5 and 6, and under Article II, shall remain in force unless otherwise agreed by the two Governments.

2. The two Governments will, upon the request of either, consult regarding any matter relating to the application or interpretation of this Agreement.

3. This Agreement shall be registered with the Secretariat of the United Nations.

Done in two copies at Karachi the 19th day of May one thousand nine hundred and fifty four.

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15. DEFENSE SUPPORT AID TO PAKISTAN: Communiqué of the Governments of the United States and Pakistan, October 1954¹

As the visit to Washington of Prime Minister Mohammed Ali Jinnah of Pakistan draws to a close, the Government of the United States and the Government of Pakistan consider it fitting to reaffirm their common purpose in striving to assure peace and economic security for their peoples. They are convinced that those objectives can be attained through measures of collective security, self-help, and economic cooperation. At the same time, they share a common conviction that their goals can be attained only where fundamental human values are permitted to flourish.

The Prime Minister and cabinet members accompanying him had discussions of problems of mutual interest with a number of high-ranking officials of the United States, including President Eisenhower, Secretary of State Dulles, Secretary of Defense McNamara, and Foreign Operations Administration Director Stassen.

The discussions were preceded and have been accompanied by the earnest efforts within the United States Government to take such measures which the United States might take to strengthen its friendship, bearing in mind Pakistan's special position in the Middle East and South Asia, its unreserved friendship and cooperation with the United States in its efforts for the security of the free world, and its economic problems with which Pakistan is at present faced.

With the report of the special FOA mission sent to Pakistan last summer under the leadership of Mr. H. J. Heinz II, it became clear that, despite its own tremendous efforts, Pakistan was in urgent need of increased economic assistance to ameliorate shortages of food, goods and industrial raw materials, and that economic development programs must be increased if economic stability were to be attained. Accordingly, it has been agreed that the United States Government

to the disaster of last August in East Pakistan, and funds for developmental purposes. To meet Pakistan's urgent needs for consumer goods and industrial raw materials, the total figure also includes a substantial amount in the form of agricultural commodities.

Recognizing Pakistan's position in the common defense effort and following the military assistance agreement signed with the United States this spring,¹ the United States will endeavor to accelerate the substantial military aid programs for Pakistan, which are beginning this year. In this connection, the United States cannot make commitments beyond the limits of existing and current appropriation. However, the Government of the United States and the Government of Pakistan intend to continue to study together in this and future years the best means of achieving their mutual objective: the strengthening of the economy and the defense capabilities of Pakistan.

Aircraft Transit Facilities in Saudi Arabia

6. USE OF FACILITIES AND SERVICES AT DHAHRAN AIRFIELD BY TRANSIENT AND SUPPORTING AIRCRAFT OF THE UNITED STATES: Note From the American Ambassador at Jidda² to the Saudi Arabian Minister for Foreign Affairs,³ June 18, 1951⁴

I have the honor to acknowledge the receipt of Your Highness' note of this date reading as follows:

"I have the honor to inform Your Excellency that as of this date the Agreement between the Government of the Kingdom of Saudi Arabia and the Government of the United States of America concerning Dhahran Airfield, concluded on June 23, 1949, as extended,⁵ will be terminated. In view of the desire of the Government of Saudi Arabia to offer to the Government of the United States of America certain facilities after that date, I have the honor to transmit to Your Excellency herein below the provisions upon which agreement was reached for the continuation of the use of facilities and services at Dhahran Airfield by the transient and supporting aircraft of the Government of the United States, in accordance with the conditions mentioned in this letter. It is my hope that you will inform me in your reply of the approval thereof by the Government of the United

the area of land located in the so called Dammam area, five statute miles on each side of a square with the center the terminal building of the existing airdrome.

2. (a). In accordance with the request of the Saudi Government, the Government of the United States agrees, at its expense, to Dhahran Airfield a Mission to be employed Saudi nationals and for organizing the operations of the Airport technical administration.

(b). The number of the members of the Mission determined by request of the head of the Mission and approved by the Saudi Arabian Minister of Defense. Such specified numbers of personnel will be reviewed from time to time of developing circumstances and requirements.

(c). The Mission referred to in paragraph (a) authorized to employ an additional number of civilians on the condition that such civilians shall be the subjects of the Saudi Arabia or the subjects of the United States or the subjects of a third state friendly to both, and that the number of personnel will be determined by request of the Mission approved by the Saudi Arabian Minister of Defense. Such specified numbers of personnel will be reviewed from time to time of developing circumstances and requirements.

(d). It is provided that there must not be among the Mission or among the other employees any individual objectionable to the Saudi Arabian Government, and that the Government of the United States will submit a detailed list of the identity of these personnel and employees.

(e). If the Saudi Arabian Government requests the Mission to send out or replace any of its personnel or employees, and the Saudi Arabian Government does not desire to remain in the Mission will carry out such request promptly.

3. (a). United States aircraft are permitted to use the Saudi Arabian Government Airport at Dhahran to land and take off, refueling and other technical services such as maintenance.

(b). United States aircraft are permitted to fly over the routes of Saudi Arabia of which the Saudi Arabian Government permits the use.

(c). United States aircraft are permitted to perform rescue operations for aircraft which are in need of aid, upon request of the Saudi Arabian Government. In performing such air rescue operations and crash boats may be used to the extent necessary for such operations.

(d). The number of aircraft which will be permitted to be based at Dhahran Airfield and which will be used for air rescue and other authorized operations will be determined by request of the United States Mission and approval of the Saudi Arabian Minister of Defense. Such specification in the number of aircraft

reviewed from time to time in the light of developing circumstances and requirements.

4. In accordance with paragraph 23 of the existing Dhahran Airfield Agreement which states that all fixed installations and other property used in operation and maintenance of the Airfield will be returned to the Saudi Arabian Government upon termination of the agreement, and in view of the fact that the said Agreement is being terminated and that such installations and properties thereby revert to the Saudi Arabian Government, and, due to the desire of the Saudi Arabian Government to facilitate the errand of the Mission, it agrees to place at the disposition of the Mission at Dhahran Airfield, rent free, certain existing buildings and installations as specified in the list agreed upon by the appropriate authorities of the two Governments and approved by the Saudi Arabian Minister of Defense. This list will be reviewed from time to time in the light of developing circumstances and requirements.

5. (a). The United States Mission at Dhahran Airfield will perform the necessary technical operations, and such operations will be determined and agreed upon between the members of the Mission and the appropriate officials of the Saudi Arabian Government, and, after obtaining the approval of the Saudi Arabian Minister of Defense, the Mission will perform its duties on the Base, provided that such duties will be reviewed from time to time subject to the technical developments and circumstances.

(b). The United States Mission is permitted to administer at Dhahran Airfield only, and in addition to what is mentioned in paragraph (a), matters connected with United States military aircraft, the military personnel and the civilian employees of the Mission. The Mission at Dhahran Airfield will not act in any other matter except when specifically authorized by the Saudi Arabian Government.

(c). Civil aviation operations and all other aviation operations at Dhahran Airfield, with the exception of those mentioned in paragraphs 5 (a) and (b) will be administered by the Saudi Arabian Government under its responsibility. The Saudi Arabian Government will take the necessary action to prevent interference with the operations of United States aircraft as authorized under this Agreement. All regulations and instructions of the Saudi Arabian Government will be applied to civilian aircraft which are permitted by the Saudi Arabian Government to use Dhahran Airfield, including compliance by such aircraft with the international provisions which are accepted by the Saudi Arabian Government. The Saudi Arabian Government will also perform customs procedures, collection of fees, inspection

radio communications and navigational aids) as may be necessary for the purpose of this Agreement. The Saudi Arabian Government will issue instructions to the appropriate authorities to prevent the construction of buildings or obstacles for a distance of 1000 meters in the plain west of the present Airfield, and it will issue instructions to prevent the construction of obstacles in the vicinity of the runways.

(b). Such installations and constructions will become the property of the Saudi Arabian Government as they are established, the property of the Saudi Arabian Government. All fixed properties will also be considered as becoming the property of the Saudi Arabian Government as soon as they are established. The Saudi Arabian Government will permit such new installations to remain at the disposition of the United States Government during the period of this Agreement.

(c). It is agreed that the United States Mission will not remove any of the property and installations which have become the property of the Saudi Arabian Government and have become the property of the Saudi Arabian Government. In case the Mission replaces any installations or properties which become the property of the Saudi Arabian Government, the replacements will become the property of the Saudi Arabian Government and the items which were removed will become the property of the United States Government.

(d). Neither the Mission nor the United States Government has the right to sell, lease, donate or pledge to a third party any property granted to it in this Agreement or which has been put at the disposal of the Mission at Dhahran Airfield under this Agreement.

7. The Mission is permitted to employ radio codes.

8. The Mission may construct at the expense of the Saudi Arabian Government a railway spur to connect Dhahran Airfield with the railway which passes through the city of Dhahran. The spur will be considered as soon as constructed the property of the Saudi Arabian Government. The use of such spur during the period of this Agreement will be subject to a special agreement.

9. (a). The Saudi Arabian Government will accord exemption from customs duties, taxes and all Government charges on equipment and supplies necessary for the construction, supply and operation of the Airfield, provided that the Mission submit to the appropriate authorities of the Saudi Arabian Government the official bills of lading and manifests on the material and supplies imported for the operation and maintenance of the Dhahran Airfield.

(b). The Saudi Arabian Government accords exemption from customs duties and taxes to the personnel of the Mission personal exemption from customs duties and taxes on their personal baggage.

that the applicable taxes may be collected. Civilians of United States nationality who are attached to the Mission will also be accorded exemption from customs duties, taxes and Government charges for themselves or on their personal effects which may be brought in for their personal use provided that such effects will also be subject to submission of official bills of lading and manifest and provided that the quantities of such effects will be within reasonable limits and that no such articles will be sold unless the appropriate authorities of the Saudi Arabian Government are informed in order that the applicable taxes may be collected.

(c). It is understood that the Mission will inform the appropriate authorities of the Saudi Arabian Government of anything the Mission may intend to sell in order that the applicable taxes may be collected.

(d). Subject to the provisions of paragraph 6 (b) the Mission may withdraw from Saudi Arabia any of those items which have been brought in after notifying the Saudi Arabian Government; if the United States has no special interest in using such items in some other place outside Saudi Arabia, these items will be offered for sale to the Saudi Arabian Government at a fair price. In case the Saudi Arabian Government does not wish to buy these items they may then be exported free of any export charges.

10. The Mission is permitted to receive its military mail and to send it to and from Dhahran Airfield exempt from customs duties provided that parcel post will be in accordance with the terms of paragraph 9 (a).

11. The members of the Mission, its personnel and employees may carry on any social activities on condition that they will take into account the local customs and laws in effect in Saudi Arabia.

12. (a). The complete authority and sovereignty inside and outside of Dhahran Airfield is the absolute right of the Saudi Arabian Government and it will make arrangements for guarding and maintaining the safety of the Airport.

(b). The United States Mission will assign special guards for the installations which are used by the Mission and such guards will be responsible for such installations under their guard inside the Airfield.

(c). The Mission shall comply with the request of the Director of the Dhahran Airport in appointing certain responsible personnel from the Mission to accompany the Saudi patrol guards to identify members of the Mission and to cooperate during patrol duty.

13. (a). All United States military personnel, members of the

(c). Depending on international authority, the Saudi Government agrees that:

(i) If any member of the armed forces of the United States commits an offense inside Dhahran Airfield he will be subject to United States military jurisdiction.

(ii) In the case of any offense committed by a member of the armed forces of the United States outside Dhahran Airfield, Khobar, Dammam, Dhahran, Ras Tanura, the beaches south of Khobar to Half Moon Bay, and the roads leading to these places, Saudi Arabian authorities will arrest the offender and after completing the preliminary investigation will turn such person over to the Mission at Dhahran Airfield for trial and punishment under American military jurisdiction.

(iii) Any offense committed by a member of the armed forces of the United States outside the places mentioned in (i) and (ii) will be subject to the local jurisdiction of the Kingdom of Saudi Arabia.

(d). Claims for compensation for damages arising out of the actions of members of the armed forces of the United States will be handled by agreement between the appropriate Saudi Arabian authorities and the Head of the Mission. In case no agreement is reached, claims will be made through diplomatic channels.

14. Members, personnel and employees of the Mission of the United States nationals will be in possession of valid passport and identification papers to be presented to the appropriate Saudi Arabian authorities upon arrival at Dhahran Airfield. All of them must obtain visas from the point of departure, and if, for unavoidable reasons, it is impossible to obtain such visas, the Saudi Arabian Government will honor competent United States Government travel orders and will certify that such persons are not undesirable. If anyone arrives in Saudi Arabia having followed the said arrangements, he will be subject to the laws and regulations of the Saudi Arabian Government.

15. The United States Government agrees to provide the Saudi Arabian Government the following services:

(a). A military training program, the details of which will be agreed upon in a separate agreement and whereby an American military mission will be sent to Saudi Arabia.¹

(b). Training in the maintenance and operation of aircraft for a maximum at one time of one hundred Saudi Arabian students to be provided by the Saudi Arabian Government. The Saudi Arabian Government will select from these students, in consultation with the United States, twenty Saudi Arabian students to pursue at United States military schools in the United States advanced technical training.

taken to increase the training and experience of these advanced graduates to the degree where they will be capable of administering and operating the international airports of Saudi Arabia. Rates of pay will be on the same scale as others of equal qualifications.

(c). In cases of emergency the United States will provide Saudi Arabia for its state-owned aircraft at delivery cost price, aircraft parts, including engines, when such parts can be made available from stock at Dhahran Airfield. In the event that such parts cannot be made available at Dhahran Airfield, the United States will assist Saudi Arabia in procuring them from commercial sources.

(d). The Mission will make available, within the capabilities of its facilities in operation at Dhahran Airfield, its weather service, radio communications, air rescue and aircraft operation services for the use of civilian aircraft which are authorized by the Saudi Arabian Government to use Dhahran Airfield.

(e). The United States Mission will provide to the best of its ability and within its capabilities at Dhahran Airfield medical treatment and dispensary services for Saudi Arabian nationals who are employees of the United States Mission and for Saudi members and students of the United States Training Mission. In the event of epidemic or infectious diseases the United States Mission will assist the Saudi Arabian Government to the extent possible to combat the situation.

16. Upon the termination of this Agreement, the Mission will return to the Saudi Arabian Government in sound operating condition all fixed installations, properties and equipment of which it makes use in the operation and maintenance of Dhahran Airfield.

17. (a). The Mission is permitted to construct wells, water reservoirs or dams to insure an ample supply of water for Dhahran Airfield.

(b). The Mission will undertake, in cooperation with the appropriate Saudi authorities, to take such steps as may be mutually agreed upon to improve health and sanitation in areas contiguous to Dhahran Airfield.

18. The Mission is permitted to contract for any construction work at Dhahran Airfield authorized by this Agreement without restriction as to choice of contractor provided that the contracting firm or the people working with it will not be unacceptable to the Saudi Arabian Government. So far as may be practicable, Saudi nationals will be given preference in employment and contracts.

19. Nothing in this Agreement shall be interpreted or construed to infringe or detract in any way from the complete and absolute sovereignty of the Saudi Arabian Government over Dhahran Airfield.

Agreement gives to the other notice of intention to modify
nate the Agreement.

ANNEX

The following are the conditions covering the training
Arabian students in the United States as specified in p
15 (b).:

1. Transportation from Dhahran to the United States a
will be furnished by the United States Air Force via militar
at no cost to the Saudi Arabian Government. Travel w
United States will be at the expense of the Saudi Arabian
ment although the United States Air Force will render all a
assistance to trainees.

2. Saudi students will mess at their own expense on a cos
Officers' Messes at the established local rates.

3. Where quarters are available, they will be furnished c
equivalent to that authorized officers of the United States
No reimbursement will be made to the United States for th
Where quarters are not available, the officer trainee or
Arabian Government will make their own arrangements at
the United States Government.

4. All training will be without cost to the Saudi Arabian
ment except as herein provided. Special clothing and e
required for the prescribed training courses will be furnishe
during the training course upon a temporary loan basis at
the Saudi Arabian Government.

5. Commissary, post exchange and similar privileges v
ordinarily available to officers of the United States Air
be extended to these trainees.

6. Medical care will be furnished when available on the s
as furnished United States Air Force personnel, at no co
Saudi Arabian Government other than for subsistence."

I have been authorized to inform Your Royal Highne
Government's agreement to your proposal that your note
reply should constitute an Agreement between our two Gov
effective as of this date.

Please accept, your Highness, the assurances of m
consideration.

Defense Facilities in Libya

7. USE OF DEFENSE FACILITIES IN AGREED AREAS IN LIBYA: Agreement and Memorandum of Understanding Between the United States and Libya, September 9, 1954 ¹

PREAMBLE

The Government of the United States of America and the Government of the United Kingdom of Libya, desiring to strengthen the firm friendship and understanding now existing between them; confirming their determination to cooperate amicably and to support each other mutually in the international field, and to contribute to the maintenance of peace and security within the framework of the Charter of the United Nations; and being of the opinion that cooperation within the territory of Libya will assist in achieving these objectives; have entered into the present Agreement.

ARTICLE I

AGREED AREAS

(1) The Government of the United Kingdom of Libya grants permission to the Government of the United States of America to occupy and use for military purposes, for the duration of the present Agreement and in accordance with its terms and conditions, those areas which are presently used and occupied by the Government of the United States of America as well as such additional areas as may be agreed upon in writing from time to time by the two Governments. All areas used and occupied by the Government of the United States of America pursuant to this paragraph shall hereinafter be referred to as "agreed areas".

(2) A particular agreed area shall cease to be considered as such whenever the Government of the United States of America shall notify the Government of the United Kingdom of Libya that it no longer requires such area.

ARTICLE II

DEVELOPMENT AND SECURITY OF AGREED AREAS

The Government of the United States of America may make

of the Government of the United States of America will demolish any buildings existing on public lands at the entry of the United States forces on such lands or cut off in any substantial number growing on such lands without the appropriate authorities of the Government of the Kingdom of Libya.

ARTICLE III

CONTROL OF AIRCRAFT, VESSELS AND VEHICLES

(1) The Government of the United States of America shall have full control over aircraft, ships and water-borne craft entering, leaving and while within the agreed areas.

(2) The Government of the United Kingdom of Libya shall have for such controls over aircraft, vessels and vehicles entering and while within areas near the agreed areas as are agreed between the two Governments to be necessary to carry out the purposes of the Agreement and ensure the security of United States forces in Libya.

ARTICLE IV

COMMUNICATION AND PIPELINE FACILITIES

The Government of the United States of America shall install and maintain such wire communication and pipeline facilities in the agreed areas as the two Governments agree are necessary to carry out the purposes of the present Agreement.

ARTICLE V

PUBLIC SERVICES AND FACILITIES

Upon the request of the Government of the United States of America and provided that the Government of the United Kingdom of Libya is assured that the public and private interests shall be duly safeguarded, the public services and facilities shall be made available as far as practicable for the use of the United States of America and members of the United States forces. The charges therefor shall be the same as those for the users, unless otherwise agreed.

ARTICLE VI

USE OF AGREED AREAS

joint use and occupancy of an agreed area by the two Governments or by the United States of America and any nation with which the United Kingdom of Libya has a Treaty of Friendship and Alliance. The cost of maintenance of an agreed area which is used jointly by the two Governments, or by the United States of America and another nation, shall be apportioned on the basis of usage, at rates and charges which are mutually satisfactory to the users.

(3) The Government of the United States of America may request the Government of the United Kingdom of Libya to permit the use of the agreed areas for training purposes by small groups of military personnel of countries other than the United States of America, such personnel to be at all times while in Libya under the United States auspices and control. The Government of the United Kingdom of Libya is prepared to examine all such requests expeditiously on a case by case basis and inform the Government of the United States of America of its decision.

ARTICLE VII

ACQUISITION OF LAND

(1) Except as otherwise agreed by the two Governments in accordance with paragraph (2) of this Article, the Government of the United Kingdom of Libya will make all acquisitions of land and other arrangements required to permit occupation and use of lands and interests in lands for the purposes of the present Agreement. The Government of the United States of America shall not be obliged to compensate any Libyan national or other person for the occupation or use of lands in which he has an interest and which are made available to the Government of the United States of America under the provisions of this paragraph, but it agrees to pay to the Government of the United Kingdom of Libya on behalf of such national or person annually an equitable rental for such occupation or use. The two Governments agree that once the equitable annual rental for such land has been determined, the amount of that rental shall not be changed for the duration of the present Agreement without the consent of both Governments.

(2) Subject to agreement between the two Governments, the Government of the United States of America may rent lands or any interests in or relating to lands directly from private owners or make other arrangements with private owners as required to permit occupation and use of agreed areas in accordance with the provisions of the present Agreement. If satisfied that there is unreasonable refusal by

occupation and use of lands and interests in lands within the agreed areas shall be deemed to be the equitable rentals payable for such occupation or use.

(4) Lands or interests in lands occupied or used by the Government of the United States of America under the provisions of the present Agreement shall be regarded as agreed areas for the purposes of the present Agreement.

(5) Compensation to private owners for damage arising from occupation and use of property, if not otherwise paid, shall be determined by the Government of the United States of America under the provisions of Article XIX.

ARTICLE VIII

MOVEMENT OF FORCES, AIRCRAFT, VESSELS AND VEHICLES

(1) The Government of the United Kingdom of Libya grants to the United States forces and United States public vessels, aircraft and vehicles, including armor, the right of free access and egress to and from the agreed areas and movement within and between the agreed areas, by land, air and sea, for the purposes of the present Agreement. The right shall include freedom from compulsory pilotage and from charges anywhere within Libya, including territorial waters, in view to facilitating control of harbor traffic within Libya. When open to commerce, reasonable notice will be given to the port authorities of the arrival of a United States public vessel in any such port area. The provisions of this paragraph shall apply to courtesy visits of United States Government vessels to the present Agreement. Such visits shall be governed by the provisions of international practice.

(2) By agreement between the two Governments, United States forces and United States public vessels, aircraft and vehicles, including armor, shall have freedom of movement in other districts within Libya, including the territorial waters, in order to carry out the purposes of the present Agreement.

(3) Subject to such conditions (including conditions relating to flight over towns) as may be agreed upon by the appropriate authorities of the two Governments, United States public aircraft may fly over any of the territory of Libya, including territorial waters. United States public aircraft shall not fly over areas prohibited by the Government of the United Kingdom of Libya to foreign aircraft, except as may be agreed. In an emergency United States public aircraft may land on and take off from any of the territory of Libya, including territorial waters, and, under such conditions as may be agreed upon by the appropriate authorities of the two Governments, United States public aircraft may use airports and other facilities outside the agreed areas.

(4) In the exercise of the privileges described in this Article,

States of America to avoid damage to public facilities.
(5) The Government of the United States of America accepts the principle that military members of the United States forces should wear civilian clothes when in Benghazi and Tripoli in an off-duty status.

ARTICLE IX

ACCESS FACILITIES

The Government of the United States of America may, at its own expense, and in agreement with the Government of the United Kingdom of Libya, and without the right to claim compensation from that Government at any time, construct and maintain necessary roads and bridges, and improve and deepen harbors, channel entrances and anchorages, affording access to the agreed areas.

ARTICLE X

VACATING AGREED AREAS

When the Government of the United States of America permanently vacates an agreed area, permanent constructions thereon shall not be removed and the Government of the United States of America shall not be entitled to any compensation for such construction. Except as provided in the preceding sentence, all property constructed, installed, brought into or procured in Libya under or prior to the present Agreement by the Government of the United States of America shall remain its property and may be removed from Libya, free of any restrictions, or disposed of in Libya by the Government of the United States of America as agreed with the Government of the United Kingdom of Libya, at any time before the termination of the present Agreement or within a reasonable time thereafter. Any such property not so removed or so disposed of before the termination of the present Agreement or within a reasonable time thereafter will cease to be the property of the Government of the United States of America and the Government of the United Kingdom of Libya shall not be obligated to compensate the Government of the United States of America for such property.

ARTICLE XI

CONDITION OF AGREED AREAS UPON RELEASE

The Government of the United States of America is not obligated to turn over the agreed areas to the Government of the United Kingdom of Libya at the expiration of the present Agreement in the condition in which they were at the time of their occupation by the Government of the United States of America.

ARTICLE XII

OTHER OBLIGATIONS

The present Agreement is made in accordance with laid down in the Charter of the United Nations and the Agreement shall be construed to conflict with the obligations by the United States of America under that Charter, while the United Kingdom of Libya also accepts pending its obligations to the United Nations.¹ Further, the two Governments agree that nothing in the present Agreement conflicts with or purports to be intended to conflict with or prejudice international obligations assumed by either Government under any other existing agreements, conventions or treaties, including, in the case of the United Kingdom of Libya, the Covenant of the League of Nations.²

ARTICLE XIII

MILITARY AND CIVILIAN PERSONNEL

The Government of the United Kingdom of Libya agrees to permit the Government of the United States of America to employ military and civilian personnel as required in connection with the operations under the present Agreement.

ARTICLE XIV

SURVEYS

The Government of the United States of America agrees to permit the Government of the United Kingdom of Libya to conduct engineering, topographic, hydrographic, coast and geodetic technical surveys (including aerial photographs) in any area of the coast and the waters adjacent thereto. The Government of the United States of America shall notify the Government of the United Kingdom of Libya when any survey is to be made outside the agreed areas and the Government of the United Kingdom of Libya shall, if desired, designate an official representative to be present when the survey is made outside the agreed areas. A sufficient number of control points with title and triangulation and other control data for the survey shall be furnished to the Government of the United Kingdom of Libya.

ARTICLE XV

POST OFFICES

such post offices shall be for the exclusive use of the authorities, agencies and offices of the Government of the United States of America. The members of the United States forces and nationals of the United States of America holding an official position in Libya with the Government of the United States of America.

ARTICLE XVI

ENTRY AND DEPARTURE OF UNITED STATES FORCES

(1) The Government of the United States of America may bring into Libya members of the United States forces in connection with carrying out the purposes of the present Agreement.

(2) The laws of the Government of the United Kingdom of Libya shall not apply to prevent admission or departure into or from Libya of members of the United States forces. Passport and visa requirements shall not be applicable to military members of United States forces, but they shall be furnished with appropriate identification cards or tags and samples of such identification cards or tags shall be filed with the Government of the United Kingdom of Libya. Passport and visa requirements shall be applicable to non-military members of the United States forces.

(3) The Government of the United Kingdom of Libya shall exempt members of the United States forces from any laws providing for the registration and control of aliens. The Government of the United States of America shall take every step open to it to ensure the correct behavior of all members of the United States forces and will provide such information as the Government of the United Kingdom of Libya may require about the civilian members, as may appropriately be furnished, bearing in mind their status as members of the United States forces.

(4) If the status of any member of the United States forces brought into Libya by the Government of the United States of America is altered so that he would no longer be entitled to such admission, the Government of the United States of America shall notify the Government of the United Kingdom of Libya and shall, unless the Government of the United Kingdom of Libya permits him to remain, remove him from Libya as soon as possible, and shall in the meantime prevent him from becoming a public responsibility of the United Kingdom of Libya.

(5) If the Government of the United Kingdom of Libya requests the removal of any member of the United States forces whose misconduct renders his presence in Libya undesirable, the Government

commissaries, military service exchanges, messes and s for the exclusive use of members of the United States nationals of the United States having comparable privilege agencies shall be free of all licenses, fees, excise, sales or or imposts. The merchandise or services sold or dispensed Government agencies shall be free of all taxes, duties, inspection by the Government of the United Kingdom. Administrative measures shall be taken by United States authorities to prevent the resale of goods which are sold provisions of this Article to persons not entitled to buy goods agencies, and generally to prevent abuse of the privileges under this Article. There shall be cooperation between sities and the appropriate authorities of the Government of Kingdom of Libya to this end.

ARTICLE XVIII

HEALTH AND SANITATION

The appropriate authorities of the two Governments will in making arrangements in the interest of sanitation. Any measures in the interests of sanitation or health required to be taken in the agreed areas to meet accepted national standards will be the responsibility of the Government of the United States of America.

ARTICLE XIX

CLAIMS AND JURISDICTION IN CIVIL MATTERS

(1) The Government of the United States of America pay just and reasonable compensation for valid claims of the Government of the United Kingdom of Libya for damage, loss or of its property caused by military members of the United States forces who are in Libya under the terms of the present Agreement by civilian employees of the United States armed services those who are nationals of or ordinarily resident in Libya in connection with operations under the present Agreement.

(2) The Government of the United States of America pay just and reasonable compensation for valid claims of those who are nationals of Libya, or inhabitants of that country, for loss or destruction of property, or for injury or death, by military members of United States forces who are in Libya under the terms of the present Agreement or by civilian employees

In all other civil cases involving members of the United States the Libyan courts will have jurisdiction.

ARTICLE XX

JURISDICTION—CRIMINAL MATTERS

The United States military authorities shall have the right to within the United Kingdom of Libya all criminal and disciplinary jurisdiction conferred on them by the laws of the United States of America over members of the United States forces in the following cases, namely:

- a) Offenses solely against the property of the Government of the United States of America, or against the person or property of another member of the United States forces,
- b) Offenses committed solely within the agreed areas,
- c) Offenses solely against the security of the United States of America, including treason, sabotage, espionage or violation of any law relating to official secrets, or secrets relating to the national defense of the United States of America,
- d) Offenses arising out of any act or omission done in the performance of official duty,

In every such case where such criminal and disciplinary jurisdiction exists, the members of the United States forces shall be excluded from the jurisdiction of the Libyan courts.

In other cases the Libyan courts shall exercise jurisdiction unless the Government of the United Kingdom of Libya waives its right to exercise jurisdiction. The Government of the United Kingdom of Libya will give sympathetic consideration to any request from the United States authorities for a waiver of its right in cases where the United States authorities consider such waiver to be of particular importance, or where suitable punishment can be applied by disciplinary action without recourse to a court.

The United States and Libyan authorities will assist each other in the arrest and handing over to the appropriate authority of members of the United States forces for trial in accordance with the above provisions, and the Libyan authorities will immediately notify the United States authorities if they arrest any member of the United States forces. The Libyan authorities will, if the United States authorities request the release on remand of an arrested member of the United States forces, release him from their custody on the United States authorities' undertaking to present him to the Libyan courts for prosecutory proceedings and trial when required.

(5) Whenever a member of the United States forces is prosecuted in a Libyan court he shall be entitled:

- (a) to be presumed innocent until proved guilty according to law in a trial in which he has had the guarantees necessary for his defense,
- (b) to a prompt and speedy public trial,
- (c) to be informed, in advance of trial, of the specific charge or charges made against him,
- (d) to refuse to testify against himself,
- (e) to be confronted with the witnesses against him,
- (f) to be permitted full opportunity to examine all witnesses,
- (g) to have compulsory process for obtaining witnesses in his favor, if they are within the jurisdiction of the Libyan courts,
- (h) to have legal representation of his own choice for his defense or to have free or assisted legal representation under the conditions prevailing for the time being in Libya,
- (i) to have his legal representatives present during all stages of proceedings against him,
- (j) to have, if he considers it necessary, the services of a competent interpreter,
- (k) to communicate with the United States authorities and to have a representative of those authorities present at his trial, and
- (l) to such other rights as are guaranteed under the constitution and laws of the United Kingdom of Libya to persons on trial in those courts.

(6) The Libyan authorities will notify the United States authorities of the result of any trial in a Libyan court of a member of the United States forces.

(7) Witnesses who are alleged to have committed perjury or contempt of court in proceedings before the United States service tribunals or authorities and who are not subject to the law administered by those tribunals and authorities will be turned over to the Libyan authorities. Provision will be made by the laws of Libya for the trial and punishment of such offenders.

(8) The Government of the United States of America will have the right to police the agreed areas and to maintain order therein and may arrest therein any alleged offenders and, when they are triable by the Libyan courts, will forthwith turn them over to the Libyan authorities for trial.

(9) Outside the agreed areas, members of the United States force may be employed on police duties by arrangement with the appropriate Libyan authorities. The Libyan authorities shall be primarily

erty with respect to the persons and property of persons who
nationals of or ordinarily resident in Libya.

ARTICLE XXI

DRIVING PERMITS

The Government of the United Kingdom of Libya either shall
, without driving test or fee, driving permits issued by the
nment of the United States of America or a subdivision thereof
mbers of the United States forces; or issue its own driving per-
without test or fee to such persons who hold such United States
ts. Members of the United States forces who do not hold
g permits issued by the Government of the United States of
ica or a subdivision thereof shall be required to comply with
ver regulations Libya may establish with regard to driving
ts.

ARTICLE XXII

POSSESSION AND CARRIAGE OF ARMS

itary members of the United States forces in Libya may possess
arry arms as required in the performance of official duties.

ARTICLE XXIII

LOCAL PURCHASES AND EMPLOYMENT OF LOCAL LABOR

Members of the United States forces may purchase locally goods
sary for their own consumption and such services as they need
the same conditions as Libyan nationals.

The Government of the United States of America may purchase
y goods required for the subsistence of the United States forces
t shall be the policy of the Government of the United States of
ica to purchase such goods locally if they are available and of
standard required by United States authorities. In order to
any such purchases having an adverse effect on the Libyan
my, the appropriate authorities of the Government of the United
dom of Libya will indicate, when necessary, any articles the
ase of which should be restricted or forbidden.

The Government of the United Kingdom of Libya consents to
nployment of Libyan civilians by the Government of the United
s of America, or its contractors, and it shall be the policy of the
nment of the United States of America and its contractors to

ment of the United Kingdom of Libya, the United States authorities will withhold and pay over to the Government of the United Kingdom of Libya all income tax or other deduction wages of persons other than members of the United States forces employed by the Government of the United States of America by Libyan law be subject to such tax or deductions in the same manner and to the same extent as any other employer.

ARTICLE XXIV

TAXES, DUTIES, ETC.

(1) The temporary presence in Libya of a member of the United States forces shall constitute neither residence nor domicile in Libya and shall not of itself subject him to taxation in Libya, either on his person or on his property the presence of which in Libya is due to his temporary presence there, nor, in the event of his death, shall it subject his estate to a levy of death duties. Land and permanent structures located in Libya which are purchased by a member of the United States forces shall be subject to the laws of the United Kingdom of Libya as to taxation.

(2) No national of the United States of America or organization organized under the laws of the United States of America or the United States of America, shall be liable to pay the Government of the United Kingdom of Libya any tax in respect of any income derived under a contract with the Government of the United States of America in connection with operations under the present Agreement. The provisions of this paragraph shall not, however, apply to a national or corporation engaged in business in Libya other than under such a contract with the Government of the United States of America.

(3) No tax, duty or other charge of any nature shall be levied or assessed on material, equipment, supplies or goods brought into Libya or procured in Libya by United States authorities for the use of the Government of the United States of America or its agents in the use of persons present in Libya only in connection with operations under the present Agreement.

(4) Members of the United States forces may at the time of their first arrival in Libya or at the time of the first arrival of their dependents to join them, import into Libya free of customs duty their personal effects and household goods and their private motor vehicles for personal use.

(5) The provisions of this Article shall not exempt members of the United States forces from the payment of any license fee or tax under the laws of the United Kingdom of Libya on private motor vehicles outside the agreed areas and any registration or license fee imposed by the laws of the United Kingdom of Libya in respect of private motor cars.

ARTICLE XXV

CUSTOMS LAWS AND REGULATIONS

The laws and regulations administered by the customs authorities of the Government of the United Kingdom of Libya, including the inspect and seize, shall have no application to:

Service and construction material, equipment, supplies, provisions and other goods, brought into Libya by the Government of the United States of America or its contractors in connection with operations under the present Agreement for the exclusive use of the United States forces.

Personal effects, household goods, including privately owned automobiles and furniture, and other goods brought into Libya by the authorities of the Government of the United States of America directly or through the customary civil channels of Libya for the personal use of members of the United States forces at the time of their first arrival in Libya or at the time of the first arrival of any of their dependents to join them.

Official documents under seal.

Mail sent to and from the United States post offices established pursuant to Article XV.

Property falling within the provisions of Paragraph (1) of this Article may be exported from Libya, without regard to the customs laws and regulations of the United Kingdom of Libya.

Property brought into Libya under the provisions of Paragraph (1) of this Article may not be disposed of in Libya except for the use of operations under the present Agreement, or, to any other corporation having the right to bring property into Libya in accordance with Paragraph (1) of this Article, or, under conditions prescribed by the appropriate authorities of the Government of the United Kingdom of Libya. The Government of the United States of America may, however, dispose of such property to the government or to any person or corporation entitled to make use of agreed areas in accordance with the provisions of the present Agreement or to the personnel of such person or corporation engaged in activities connected with such use of an agreed area. The United States military authorities will prescribe and enforce regulations designed to prevent the sale or supply to individual members of the United States forces of quantities of goods imported into Libya free of charge which would be in excess of personal requirements of such personnel and which in consultation with the appropriate authorities of the Government of the United Kingdom of Libya, are determined to be most likely to become items of gift, barter or sale in the free market in Libya.

ARTICLE XXVI

USE OF CURRENCY

(1) The United States authorities will take the necessary measures in cooperation with the appropriate Libyan authorities to ensure the implementation of Libyan foreign exchange legislation or regulations.

(2) With respect to the acquisition of Libyan currency, the United States forces will have the authority to purchase local currency in United States dollars at the most favorable rate from the available banking facilities and institutions, provided that Libyan currency now available or which may become available to the Government of the United States of America may be used by the Government of the United States of America for such purposes as it desires.

(3) The United States authorities may import, export, or use United States currency, the currency of any third state, or instruments or scrip expressed in United States currency.

(4) The United States authorities may pay the United States forces in instruments expressed in United States currency, or so designated in units of United States currency, or in Libyan currency expressed in United States currency, provided that payment in United States currency shall take place after consultation between the authorities of the two Governments. The United States authorities will take appropriate measures to assure that the use of so designated instruments or scrip expressed in units of United States currency is restricted to internal transactions within installations and areas in use by the United States forces.

ARTICLE XXVII

COMPLIANCE

The Government of the United States of America shall take the necessary measures to prevent abuse of the privileges granted by the Government of the United Kingdom of Libya under this Agreement.

ARTICLE XXVIII

DEFINITIONS

In the present Agreement the following expressions have meanings hereby respectively assigned to them:

"The two Governments" means the Government of the United Kingdom of Libya and the Government of the United States of America.

the territory of Libya in connection with operations under the present Agreement.

"Agreed areas" means those areas and their component parts including land, buildings, structures, water, stone and other construction materials, and things other than minerals, including petroleum and archeological remains which are on, in, or over land and land covered by water) which the two Governments shall agree may be occupied and used by the Government of the United States of America under the terms and conditions of the present Agreement.

"Military purposes" means, within the agreed areas and elsewhere as provided in the present Agreement, the installation, construction, maintenance, use and operation of military equipment and facilities including facilities for the training, accommodation, hospitalization, recreation, education, and welfare of members of the United States forces; and the operations of the Government of the United States of America and its contractors and of authorized service organizations under the present Agreement; and the storage of the property of the Government of the United States of America and its contractors and authorized service organizations which are in Libya in connection with the operations under the present Agreement.

"United States public vessel" and "United States public aircraft" mean vessels (including waterborne craft of all kinds) and aircraft belonging to the Government of the United States of America operating under charter, contract or otherwise for the purposes of the United States armed services.

ARTICLE XXIX

DISPUTES

Matters relating to the interpretation of the present Agreement and to the settlement of disputes arising therefrom shall be examined in common by the appropriate authorities of the two Governments. In the event it is not possible for such authorities to reach agreement the two Governments will consider the practicability of submitting the dispute to an independent third person or body.

ARTICLE XXX

RATIFICATION AND DURATION

The present Agreement shall come into force upon the date of receipt by the Government of the United States of America of

Governments gives to the other notice of termination, in which the Agreement shall cease to be effective one year after the receipt of such notice.

IN WITNESS WHEREOF, the undersigned duly authorized representatives of the Government of the United States of America and the Government of the United Kingdom of Libya have signed the Agreement.

Done in duplicate at Benghazi in the English and Arabic languages, both texts being equally authentic, the ninth day of September 1954.

MEMORANDUM OF UNDERSTANDING

With respect to the "Agreement between the Government of the United States of America and the Government of the United Kingdom of Libya" signed at Benghazi on September 9, 1954, and referred to as "the Agreement", the Government of the United States of America and the Government of the United Kingdom of Libya have reached the following understandings concerning the provisions of the Agreement.

Article IV

The two Governments agree that the facilities referred to in Article IV of the Agreement will be constructed and maintained so that the expense of the Government of the United States of America and the Government of the United Kingdom of Libya for the construction of the facilities are to be constructed for the sole use of the United States of America.

Article VII

The two Governments agree that nothing in Article VII of the Agreement shall be construed to authorize the Government of the United States of America to purchase land in Libya.

Article XIV

The two Governments agree that copies of surveys will be made available to the Government of the United Kingdom of Libya without charge. The two Governments further agree that areas formally established by the Government of the United Kingdom of Libya as national parks or reserves will not be surveyed without the specific consent of the Government of the United Kingdom of Libya.

Article XVIII

The two Governments agree that the agreement of the Government of the United Kingdom of Libya to the terms of Article XVIII of the Agreement shall be construed to authorize the Government of the United States of America to purchase land in Libya.

refund of customs duty already paid on goods acquired in Libya by the Government of the United States of America or by persons who are themselves exempt from the obligation to payment of customs duties on goods they import into Libya, the Government of the United States of America will not request such refunds on its own behalf or support such requests made by its contractors or by members of the United States forces in Libya.

Article XXIX

The representatives of the two Governments understand that the Government of the United States of America has accepted the compulsory jurisdiction of the International Court of Justice under the terms set forth in a declaration deposited with the Secretary General of the United Nations on August 26, 1946.¹ They also understand that the Government of the United Kingdom of Libya may wish to take steps to become a party to the Statute of the Court² in accordance with Article 93 of the United Nations Charter and to file a declaration accepting the compulsory jurisdiction of the Court pursuant to Article 36 of the Statute.

Done in duplicate at Benghazi in the English and Arabic languages, both texts being equally authentic, the ninth day of September, 1954.

Operation of the Suez Canal Base

8. AGREEMENT BETWEEN THE UNITED KINGDOM AND THE REPUBLIC OF EGYPT REGARDING THE SUEZ CANAL BASE, OCTOBER 19, 1954⁴

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Egypt, Desiring to establish Anglo-Egyptian relations on a new basis of mutual understanding and firm friendship, Have agreed as follows:—

Article 1

Her Majesty's Forces shall be completely withdrawn from Egyptian territory in accordance with the Schedule set forth in Part A

Annex I¹ within a period of twenty months from the date of the present Agreement.

Article 2

The Government of the United Kingdom declare that the Alliance signed in London on the 26th of August, 1936, Agreed Minute, Exchanged Notes, Convention concerning communities and privileges enjoyed by the British Forces in all other subsidiary agreements, is terminated.

Article 3

Parts of the present Suez Canal Base, which are listed in A to Annex II,¹ shall be kept in efficient working order and in immediate use in accordance with the provisions of Article 4 of the present Agreement. To this end they shall be organised in accordance with the provisions of Annex II.

Article 4

In the event of an armed attack by an outside Power on a country which at the date of signature of the present Agreement is a party to the Treaty of Joint Defence between Arab League States, Egypt and Turkey, or on Turkey, Egypt shall place at the disposal of the United Kingdom such facilities as may be necessary to place the Base on a war footing and to operate it effectively. Such facilities shall include the use of Egyptian ports within the limits of what is strictly indispensable for the above-mentioned purposes.

Article 5

In the event of the return of British Forces to the Suez Canal area in accordance with the provisions of Article 4, these Forces shall withdraw immediately upon the cessation of the hostilities mentioned in that Article.

Article 6

In the event of a threat of an armed attack by an outside Power on any country which at the date of signature of the present Agreement is a party to the Treaty of Joint Defence between Arab League States and Turkey, or on Turkey, there shall be immediate consultation between the United Kingdom and the Republic of Egypt.

Article 7

The Government of the Republic of Egypt shall at

treatment no less favourable than that accorded to the aircraft of any other foreign country with the exception of States parties to the Treaty of Joint Defence between Arab League States. The landing and servicing facilities mentioned above shall be afforded at Egyptian airfields in the Suez Canal Base area.

Article 8

The two Contracting Governments recognise that the Suez Maritime Canal, which is an integral part of Egypt, is a waterway economically, commercially and strategically of international importance; and express the determination to uphold the Convention guaranteeing the freedom of navigation of the Canal signed at Constantinople on the 29th of October, 1888.¹

Article 9

(a) The United Kingdom is accorded the right to move any British equipment into or out of the Base at its discretion.

(b) There shall be no increase above the level of supplies as agreed upon in Part C of Annex II² without the consent of the Government of the Republic of Egypt.

Article 10

The present Agreement does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations.

Article 11

The Annexes and Appendices to the present Agreement² shall be considered as an integral part of it.

Article 12

(a) The present Agreement shall remain in force for the period of seven years from the date of its signature.

(b) During the last twelve months of that period the two Contracting Governments shall consult together to decide on such arrangements as may be necessary upon the termination of the Agreement.

(c) Unless both the Contracting Governments agree upon any extension of the Agreement it shall terminate seven years after the date of signature and the Government of the United Kingdom shall take any way or dispose of their property then remaining in the Base.

Article 13

In witness whereof the undersigned, being duly authorized, have signed the present agreement and have affixed thereto their signatures.

Done at Cairo, this nineteenth day of October, 1954, in the English and Arabic languages, both texts being authentic.

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19. CONCLUSION OF THE ANGLO-EGYPTIAN SUEZ CANAL BASE AGREEMENT: Statement by the Secretary of State, 1954¹

The signing of the final agreement between Egypt and the United Kingdom on the Suez Base is an event of far-reaching importance. It is an occasion for renewed congratulations to both countries.

This action, following the initialing of the agreement last July,² marks the successful resolution of a problem which has existed in some form for many years. Its solution has been brought about by the development of a spirit of mutual confidence between the two countries which augurs well for their future relations.

I believe that the removal of this deterrent to closer cooperation will open a new approach to peaceful relations between the Middle Eastern states and other nations of the free world. It is my hope that this cooperation may now develop fully to the mutual benefit of all concerned and will strengthen the stability and security of the area.

Egypt now assumes new and fuller responsibilities as the base in the Suez Canal Zone passes from British to Egyptian control. I am pleased to note that in accepting these responsibilities, the Egyptian Government has reiterated in the agreement its adherence to the principle of the freedom of transit through the Canal in conformity with the 1954 convention.³

¹ Department of State *Bulletin*, Nov. 15, 1954, p. 734.

² See *Heads of Agreement: Anglo-Egyptian Defence Negotiation on the Suez Canal Base, Initialled at Cairo, July 27, 1954* (Cmd. 9230; L. 1954).

³ See article 8 of the Suez Base agreement, *supra*.

C. ECONOMIC AID AND DEVELOPMENT**0. AN ACT TO FURNISH EMERGENCY FOOD AID TO INDIA**
Public Law 48 (82d Congress, 2d Session), June 15, 1951¹

AN ACT *To furnish emergency food aid to India*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "India Emergency Food Aid Act of 1951".

SEC. 2. Notwithstanding any other provisions of law, the Administrator for Economic Cooperation is authorized and directed to provide emergency food relief assistance to India on credit terms as provided in section 111 (c) (2) of the Economic Cooperation Act of 1948² as amended, including payment by transfer to the United States (under such terms and in such quantities as may be agreed to between the Administrator and the Government of India) of materials required by the United States as a result of deficiencies, actual or potential, in its own resources. The Administrator is directed and instructed that in his negotiations with the Government of India he shall, so far as practicable and possible, obtain for the United States the immediate and continuing transfer of substantial quantities of such materials particularly those found to be strategic and critical.

SEC. 3. For purposes of this Act the President is authorized to utilize not in excess of \$190,000,000 during the period ending June 30, 1952, of which sum (1) not less than \$100,000,000 shall be made available immediately from funds heretofore appropriated by Public Law 559, Eighty-first Congress,³ for expenses necessary to carry out the provisions of the Economic Cooperation Act of 1948, as amended; and (2) \$90,000,000 shall be available from any balance of such funds unallotted and unobligated as of June 30, 1951: *Provided*, That such amount unallotted and unobligated is less than \$90,000,000 a sum equal to the difference shall be obtained from the issuance of notes in such amount by the Administrator for the Economic Cooperation Administration, who is hereby authorized and directed to issue such notes from time to time during fiscal years 1951 and 1952 for purchase by the Secretary of the Treasury, and the Secretary of the Treasury is hereby authorized and directed to purchase such notes and, in making such purchases to use, as a public debt transaction, the proceeds of any public debt issue pursuant to the Second Liberty Loan Act⁴ as amended: *And provided further*, That \$50,000,000 reserved by the Bureau of the Budget pursuant to section 1214,

Economic Cooperation Act of 1948, as amended, shall not be for purposes of this section.

SEC. 4. (a) Funds made available for purposes of this Act shall be used only for the purchase of food grains or equivalents in the United States.

(b) No procurement of any agricultural product within the United States for the purpose of this Act shall be made unless the Secretary of Agriculture shall find and certify that such procurement will not impair the fulfillment of the vital needs of the United States.

(c) The assistance provided under this Act shall be for the purpose of providing food grains, or equivalents, to meet the emergency need arising from the extraordinary sequence of floods and other conditions existing in India in 1950.

(d) The assistance provided under this Act shall be made under the provisions of the Economic Cooperation Act of 1948, as amended, applicable to and consistent with the purposes of such Act.

SEC. 5. Notwithstanding the provisions of any other law to the extent that the President, after consultation with appropriate Government officials and representatives of private shipping, shall proclaim that private shipping is not available on reasonable terms and conditions for transportation of supplies made available under this Act, the Reconstruction Finance Corporation is authorized to be directed to make advances not to exceed in the aggregate \$25,000,000 to the Department of Commerce, in such manner, at such times, and in such amounts as the President shall determine, for the active operation of vessels for such transportation, and these advances shall be placed in any funds or accounts available for such purposes. No interest shall be charged on advances made by the Treasury Department or Reconstruction Finance Corporation for these purposes: That pursuant to agreements made between the Reconstruction Finance Corporation and the Department of Commerce, the Reconstruction Finance Corporation shall be repaid the principal and interest not later than June 30, 1952, for such advances expended from funds hereafter made available to the Department of Commerce for the activation and operation of vessels or, notwithstanding the provisions of any other Act, from receipts from vessel operations. *Provided further*, That pending such repayment receipts from such operations may be placed in such funds or accounts and used for activating and operating vessels.

SEC. 6. Notwithstanding any other provisions of law, the Secretary of Commerce for Economic Cooperation is authorized to pay ocean freight charges from United States ports to designated ports of entry for the purpose of relief packages and supplies under the provisions of section 105 of the Economic Cooperation Act of 1948, as amended.

the interest terms agreed to between the Government of the United States and the Government of India, on or before January 1, 1957, as interest on the principal of any debt incurred under this Act, and not to exceed a total of \$5,000,000, shall, when paid, be placed in a special deposit account in the Treasury of the United States, notwithstanding any other provisions of law, to remain available until expended. This account shall be available to the Department of State for the following uses:

(1) Studies, instruction, technical training, and other educational activities in the United States and in its Territories or possessions (A) for students, professors, other academic persons, and technicians who are citizens of India, and (B) with the approval of appropriate agencies, institutions, or organizations in India, for students, professors, other academic persons, and technicians who are citizens of the United States to participate in similar activities in India, including in both cases travel expenses, tuition, subsistence and other allowances and expenses incident to such activities; and

(2) The selection, purchase, and shipment of (A) American scientific, technical, and scholarly books and books of American literature for higher educational and research institutions of India, (B) American laboratory and technical equipment for higher education and research in India, and (C) the interchange of similar materials and equipment from India for higher education and research in the United States.

(b) Funds made available in accordance with the provisions stated above may be used to defray costs of administering the program authorized herein.

(c) Disbursements from the special deposit account shall be made by the Division of Disbursement of the Treasury Department, upon vouchers duly certified by the Secretary of State or by authorized certifying officers of the Department of State.

Approved June 15, 1951.

21. EMERGENCY FOOD AID TO AFGHANISTAN: Statement by the Department of State, March 23, 1954 ¹

The Governments of the United States and Afghanistan on March 20 signed an agreement under which the United States will provide 12,000 tons of wheat or wheat flour to meet a threatened food shortage in Afghanistan.² The aid will be sent under section 550 of the Mutual Security Act of 1951, as amended,³ which authorizes the use of mutual security funds to finance the purchase of surplus agricultural

This agreement was entered into at the request of the Government of Afghanistan, which found that the food requirements could not be met during the coming months without outside aid.

The Afghan funds received in payment for the wheat or other commodities will be used, as authorized by the mutual security legislation, in helping in the economic development of Afghanistan.

The Foreign Operations Administration will administer the program.¹

22. HIGH ASWAN DAM PROJECT: Statement by the Secretary of State, December 17, 1955 ²

Mr. Abdel Moneim El Kaissouni, Egyptian Minister of Economic Affairs, met yesterday with Acting Secretary of State Herbert Brownell, British Ambassador Sir Roger Makins and World Bank President Eugene Black for final talks before his departure for Cairo.

During their stay in Washington, Mr. Kaissouni and his staff have been carrying on discussions with the management of the World Bank and representatives of the United States and United Kingdom Governments concerning possible assistance in the execution of the High Aswan Dam project.

The United States and British Governments assured the Egyptian Government through Mr. Kaissouni of their support in the project, which would be of inestimable importance in the development of the Egyptian economy and in the improvement of the welfare of the Egyptian people. Such assistance would take the form of a loan from the United States and the United Kingdom toward the payment of foreign exchange costs of the first stages of the work. These stages, involving the Cofferdam, foundations for the main dam, and the approach work will take from four to five years. Further, assurance was given to Mr. Kaissouni that the Governments of the United States and the United Kingdom would, subject to legislative action, be prepared to consider sympathetically in the light of then existing circumstances further support toward financing the later stages to supplement World Bank financing.

Mr. Kaissouni plans to leave Washington for Egypt today. It is understood that he will report to his Government on his discussions. Final understandings with the British and American Governments and the World Bank will await Mr. Kaissouni's consultation with the Egyptian Government.

¹ On Jan. 8, 1953, the Department of State and the Export-Import Administration in Washington announced an emergency loan of \$1.5 million to Afghanistan for the procurement of wheat and flour from the U.S.; Department of State Press Release, Jan. 19, 1953, p. 103.

² *Ibid.*, Dec. 26, 1955, pp. 1050-1051.

3. JORDAN RIVER DEVELOPMENT: Address by the Person Representative of the President (Eric Johnston), December 1953 ¹

From time immemorial, the Biblical waters of the Jordan have tumbled down the towering slopes of Mount Hermon in the Lebanon, poured in the Sea of Galilee, and rolled swiftly south to waste themselves in the salt depths of the Dead Sea.

The Jordan is a short silt-laden stream, plunging for most of its 200 miles through earth's deepest valley, a thousand feet below the level of the sea.

It is one of mankind's most beloved streams. It flows through the very heartlands of three great religions as consistently as it moves across the barren geography that confines its downward course.

From the banks of the Jordan, the ancient Israelites, wearied by years of wandering in the desert, first glimpsed the Promised Land. In its turbid waters, Jesus Christ was baptized by John. Along its winding course, the Prophet Mohammed preached the word of Allah.

Yes, the River Jordan has enriched history and song but, unhappily, not the arid lands through which it flows. These noble waters have held spiritual significance for man down through the ages, but they have given him relatively little material benefit.

And because the life-giving blessings of these waters are so sorely needed by the suffering peoples who today inhabit this hallowed and historic region, the President of the United States, only this October, commissioned me to go there bearing a proposal—a proposal intended ultimately to make the valley of the Jordan blossom and bloom as it never has before.

When the President first asked me to undertake this mission, I suggested in my stead other Americans who, I felt, were better acquainted with the area and the situation there. But finally, with many misgivings, I followed the wishes of the President and set out for Syria, Jordan, Lebanon, and Israel.

I got no farther than Paris when word was received of new incidents and charges which inflamed the tensions between Arabs and Israelis and soon became the subject of United Nations Security Council discussions.

My first reaction—and I must say I did not have a second one until I had spoken with some of the leaders in the Near East—was that whatever little chance the mission had of succeeding in the first place was now almost gone.

It was not long, however, before I realized that though such incidents increased the difficulties of the assignment they also made it more

I am happy to say that, in my capacity as personal representative of the President of the United States, I was received with the hospitality traditional to the region, and I was granted a prompt and attentive hearing wherever I went.

I would like to correct a general impression that developed from the very outset. I did not go to the Near East with a plan. The plan in my brief case was a proposal.

This proposal was to urge the careful consideration of a new concept which envisioned the coordinated development of the Jordan River watershed. I am pleased to report that, with the cooperation of the statesmen of the affected countries are now studying the proposal.

Now it is true that I took with me charts and tables based on studies made by a distinguished American engineering firm working under the direction of the Tennessee Valley Authority at the behest of the United Nations, which have since been issued in the form of a report by a United Nations agency responsible for the Arab refugee problem.¹

The report also contained suggestions for the construction of dams and power stations without regard to national frontiers or political boundaries.

But I did not ask or expect a "yes" or "no" answer. I was only in connection with these suggestions. On the contrary, I feel that any definite reply made before careful consideration had been given to the proposal would be in order.

These studies, which themselves drew on previous studies, illustrate what can be done and how many material benefits can be showered on war victim and pioneer alike through the coordinated utilization of the water resources of the Jordan basin.

Thanks to 20th century engineering practices and the cooperation and coordination, it is estimated that nearly 240,000 acres of land, idle and unproductive can be put into the richest kind of use. Most of this land, of little use or value to anyone now, can produce three crops a year, so that by American standards we are in effect the equivalent of some 720,000 acres would be brought into work giving sustenance to hungry people, work to the unemployed, wealth and revenue to the nations involved.

What is more, in the course of parallel development, 65,000 additional kilowatts of power would be made available to the wheels of societies already on the move.

The proposal holds out real promise to all parties concerned. To the Arab leaders of the area, it offers a way to meet their growing demands for progress and a better life.

Mass lethargy in the Arab world is fast disappearing.

nt. It knows that social revolution has begun and that it
ad that revolution or be swallowed up by it.

Israel, on the other hand, the Jordan Valley development
s the possibilities to forge ahead with ambitious and urgent
o wrest every possible benefit from the meager resources on
Israel must depend.

oth the Arabs and Israelis it suggests a practical way of easing
osive issue largely responsible for so much of the tension be-
them, the alleviation of the plight of the Arab refugees who
ir homes in Palestine.

y believe that the United Nations report will contribute to the
ing of all the peoples in the Near East. I hope the develop-
will take the form this report recommends, or something like
in my conversations with the leaders of the Arab states and
made it clear that modifications would be welcomed.

main thing right now, however, is general support of the princi-
development of the Jordan watershed in which each of the
l states would acknowledge a responsibility as well as advance

The precise nature of the plan finally adopted is a secondary
so long as it is equitable, economic, and efficient.

one might ask, is it realistic to hope that nations still in a
f war could be expected to participate in any coordinated
oment?

nk it is practical and realistic so long as the coordinating is
y some agent above reproach and beyond prejudice. I should
that the United Nations could be trusted to do a fair and
e job.

not a prerequisite that any of the states involved commit
lves directly or indirectly to signing an agreement with any of
hborers or of working with them. Each country could under-
nilateral commitments to the coordinating agency, which
erve as a clearing house and a catalytic agent.

I might add, is part of the proposal I presented to Jordan,
Lebanon, and Israel, and it is being given consideration by
aders.

r questions which could readily be raised but which can be
ly answered are: "Why can't individual states go forward
with independent irrigation and power projects involving the
of the Jordan and its tributaries? Couldn't the benefits of
dan watershed be achieved piecemeal?"

sad facts and frightening possibilities that stare us in the face
rhetorical questions out of such queries. In the first place,
the Arabs and the Israelis may living in neighborly harmony

Being a Westerner myself, I am not unmindful of the dis Snake River country.

The quarrels over water rights extend from the Rio G Helmand in Afghanistan and Iran—and back again, a usually settled only when there is some impartial auth ground.

It would not take much imagination to envision what w in the way of sabotage and even bloodshed if the waters o were to remain unregulated indefinitely.

There is of course room for national water resource c plans by the affected states in the Jordan basin. But to g benefit and equity while avoiding violence, these, it s should be integrated within the framework of the gen watershed development program.

Having spoken of the interests and the potential advan Arab states and Israel in the development of the Jorda friends in the Middle East will, I know, understand if I for a moment the stake that the West has in such a pro

Of course, as religious people, Americans have somethir a passing interest in any dispute raging around the Hol we have some economic and political interests in the area

For one thing, the American Government is spending a year in this area for general economic development, and years—we have contributed \$154 million in support of the A alone.

No one has to be on the inside in Washington these da that, much as we sympathize with unfortunate people, States is not going to keep on spending that kind of money. Certainly, we have a right to expect progress and in Surely, it is not out of order for us to urge undertaking enable people to help themselves, just as, I am sure, they

Americans do not want to see communism spread and v human misery helps it do so. We want to combat misery on the side of anyone who feels the same way and is v something about it. We are not the only freedom-lovin earth, and we should not have the monopoly of combating imperialism.

So we do have material as well as spiritual interest in the Jordan. It is a continuing interest, and for that rea consider my mission ended. The President has asked r to the lands of the Jordan as soon as their leaders have portunity to study our proposal.

As things now stand I do think that the chances for

men of good will everywhere who would dearly love to see misery in the run in the land that first gave life to the treasured credos of us all—Christian, Jew, and Muslim.

4. PRINCIPLES OF THE JORDAN RIVER DEVELOPMENT PLAN: Statement by the Personal Representative of the President July 6, 1954¹

Ambassador Eric Johnston has informed the President and the Secretary of State that Syria, Lebanon, Jordan, and Israel have accepted the principle of international sharing of the contested waters of the Jordan River and are prepared to cooperate with the U.S. Government in working out details of a mutually acceptable program for developing the irrigation and power potentials of the river system. On his return from a 4-week visit to the area for discussion with Arab and Israeli representatives, Mr. Johnston said that the attitude of the interested states clearly indicated a desire to evolve a workable plan for economic development of the Jordan Valley despite the difficult political issues outstanding between Israel and the Arab countries. Progress made during the negotiations just concluded has encouraged him to believe that an early understanding on all aspects of such a plan is now a possibility. Mr. Johnston stated that the plan involves acceptance by the Arab countries and Israel of the following principles:

1. The limited waters of the Jordan River system should be shared equitably by the four states in which they rise and flow. This principle was implicit in the valley plans put forward respectively by the Arab states and Israel, both of which clearly recognized the right of the other states to a share of the available waters. It was affirmed by both sides during the recent conversations with Mr. Johnston.

2. A neutral impartial authority should be created to supervise withdrawals of water from the river system in accordance with the division ultimately accepted by all parties. The precise nature of such an authority remains to be determined.

3. Amelioration of the condition of the Arab refugees from Palestine should be a principal objective of the irrigation program for the Jordan Valley.

4. Broad lines of understanding as to the total program should be reached at the earliest possible time, not only in the interest of the refugees but in the interests of economic progress and stability in the

of Galilee) will be considered open-mindedly by all progress in developing the valley indicates the necessity of a lake as a principal reservoir.

Mr. Johnston made it clear that while the foregoing provides a solid basis for further negotiations, there remain specific points on which differences must be reconciled before the project can be realized. All of the states concerned hope that the Government of the United States continue to use its good offices in reconciling these outstanding differences.

Ambassador Johnston's mission in the Near East began in October when the President asked him to lay before the Governments of Syria, Jordan, Lebanon, and Israel a report on unified development of the Jordan Valley prepared by an American engineer at the request of the U.N. Relief and Works Agency for Palestine Refugees. On his first visit to the area, the states concerned agreed to consider the suggestions contained in the UNRWA report. Arab countries later submitted a plan for the valley's development and Israel also put forward a plan to Mr. Johnston. These plans formed the basis of the recent discussions.

25. TABULAR SUMMARY OF NET UNITED STATES AID AND CREDITS TO THE NEAR EAST, SOUTH ASIA, AND AFRICA, 1945-1955 ¹

	Net Grants	Net Credits
Greece	\$1, 208, 000, 000	\$81, 000, 000
Turkey	226, 000, 000	94, 000, 000
Iran	147, 000, 000	54, 000, 000
Egypt	26, 000, 000	4, 000, 000
Israel	233, 000, 000	137, 000, 000
Jordan	25, 000, 000	
Liberia	6, 000, 000	19, 000, 000
Unspecified (Near East and Africa)	189, 000, 000	-7, 000, 000
Afghanistan	3, 000, 000	26, 000, 000
India	116, 000, 000	228, 000, 000
Pakistan	142, 000, 000	15, 000, 000
Unspecified (South Asia)	19, 000, 000	
Totals by Area:		
Near East and Africa	\$1, 967, 000, 000	\$532, 000, 000
South Asia	280, 000, 000	268, 000, 000

6. OPERATION OF THE ARAB-ISRAELI ARMISTICE REGIME

Tripartite Declaration Regarding the Armistice Border

6. STATEMENT BY THE GOVERNMENTS OF THE UNITED STATES, THE UNITED KINGDOM, AND FRANCE, MAY 23, 1950¹

The Governments of the United Kingdom, France, and the United States, having had occasion during the recent Foreign Ministers' meeting in London² to review certain questions affecting the peace and stability of the Arab states and of Israel, and particularly that of the supply of arms and war material to these states, have resolved to make the following statements:

1. The three Governments recognize that the Arab states and Israel all need to maintain a certain level of armed forces for the purposes of assuring their internal security and their legitimate self-defense and to permit them to play their part in the defense of the area as a whole. All applications for arms or war material for these countries will be considered in the light of these principles. In this connection the three Governments wish to recall and reaffirm the terms of the statements made by their representatives on the Security Council on August 4, 1949,³ in which they declared their opposition to the development of an arms race between the Arab states and Israel.
2. The three Governments declare that assurances have been received from all the states in question, to which they permit arms to be supplied from their countries, that the purchasing state does not intend to undertake any act of aggression against any other state. Similar assurances will be requested from any other state in the area to which they permit arms to be supplied in the future.

3. The three Governments take this opportunity of declaring their deep interest in and their desire to promote the establishment and maintenance of peace and stability in the area and their unalterable opposition to the use of force or threat of force between any of the states in that area. The three Governments, should they find that any of these states was preparing to violate frontiers or armistice lines, would, consistently with their obligations as members of the United Nations, take such steps as they might deem appropriate.

27. REAFFIRMATION OF THE TRIPARTITE DECISION

Statement by the President, November 9, 1955

All Americans have been following with deep concern the recent developments in the Near East. The recent outbreak of hostilities has led to a sharp increase in tensions. These events only further retard our search for world peace. Insecurity in one region tends to affect the world as a whole.

While we continue willing to consider requests for armaments for legitimate self-defense, we do not intend to contribute to arms competition in the Near East because we do not think that such competition would be in the true interest of any of the participants. The policy which we believed would best promote the interests and welfare of the peoples of the area was expressed in the Tripartite Declaration of May 25, 1950.² This still remains our policy.

I stated last year that our goal in the Near East as well as elsewhere is just peace.³ Nothing has taken place since which would require a change in our fundamental policies, policies based on friendship for all nations in the area of the area.

We believe that true security must be based upon a just and reasonable settlement. The Secretary of State outlined our position on the 26th⁴ the economic and security contributions which the United States was prepared to make toward such a solution. On that occasion I authorized Mr. Dulles to state that, given a solution to the Arab-Israel related problems, I would recommend that the United States abstain from formal treaty engagements to prevent or thwart any effort by either side to alter by force the boundaries between Israel and its neighbors.

Recent developments have made it all the more important that a just settlement be found. The United States will continue to play a full part and will support firmly the United Nations efforts which already contributed so markedly to minimize violence in the area. I hope that other nations of the world will cooperate in this effort thereby contributing significantly to world peace.

¹ Department of State *Bulletin*, Nov. 21, 1955, p. 845. This statement was issued from the temporary White House in Denver, Colo.

² *Supra*.

³ See the President's address of Oct. 20, 1954; *infra*.

⁴ *Supra*, pp. 2176-2180.

Arms Supply Policy

8. PREVENTION OF LOCAL ARMS IMBALANCE: Address by the President, October 20, 1954 (Excerpt) ¹

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In the Near East, we are all regretfully aware that the major differences between Israel and the Arab States remain unresolved. Our goal there, as elsewhere, is a just peace. By friendship toward both we shall continue to contribute to peaceful relations among these peoples. And in helping to strengthen the security of the entire Near East, we shall make sure that any arms we provide are devoted to that purpose, not to creating local imbalances which could be used for intimidation of or aggression against any neighboring nation. In every such arrangement we make with any nation, there is ample assurance that this distortion of purpose cannot occur.

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9. AVOIDANCE OF AN ARMS RACE: Statement by the Secretary of State and the British Foreign Secretary, September 27, 1955 ²

The United States Secretary of State and British Foreign Secretary discussed together reports relating to their arms supply policies in the Middle East.

They wish to state that the United States and British Governments have for some time been in close consultation with each other as well as with other governments in relation to this matter and that there has been, and continues to be, complete harmony of views between their two governments.

Both governments base their policies on the desire, on the one hand, to enable the various countries to provide for internal security and for their defense, and on the other, to avoid an arms race which would inevitably increase the tensions in the area. They will continue, and hope other governments will continue, to be guided by these principles.

¹ Department of State *Bulletin*, Nov. 8, 1954, p. 678. The President's address was delivered at the American Jewish Tercentenary Dinner in New York City.

² *Ibid.*, Oct. 10, 1955, p. 560.

30. SHIPMENT OF SOVIET ARMS TO ARAB

Remarks by the Secretary of State at News Conference, 4, 1955 (Excerpts) ¹

Q. Mr. Secretary, can you give us any information about Mr. Allen's ² progress in talks with Nasser ³ in Cairo?

A. He has had a very good talk, indeed two rather full ones, which I think he has gained an insight as to the Egyptian attitude on this matter, and I think that Colonel Nasser has gained an insight to our attitude toward the matter. There is better understanding than there was before. I think in substance that is the result of the trip and that was the purpose of his trip.

Q. Mr. Secretary, further in that connection, could you tell us our attitude toward the proposed contract arrangement for the sale of arms since Mr. Allen completed his talks with Colonel Nasser?

A. I had prepared a little statement which perhaps I will read to you, because I anticipated questions on this topic.

At my press conference the last of August (August 26), I was asked about possible Soviet-bloc shipments of arms to Arab countries. I made two observations. The first was that the Arab countries are independent governments and free to do whatever they wish on this matter. My second observation was that, from the point of view of U.S. relations with the Soviet Union, such delivery of arms would not contribute to relaxing tensions.

Those two observations stand today. I might add that I am sure.

It is difficult to be critical of countries which, feeling their security endangered, seek the arms which they sincerely believe necessary for their defense. On the other hand, I doubt very much that, under the conditions which prevail in the area, it is possible for any country to achieve security through an arms race. Also it is not easy to speculate on the probable motives of the Soviet-bloc leaders.

In my talk about this matter of August 26,⁵ I spoke of the Soviet-bloc which dominated the area and said that I felt that it could be dissipated only by collective measures designed to deter aggression by anyone. I proposed a security guaranty sponsored by the United Nations. That, I said, would relieve the acute fears which these countries now profess.

It is still my hope that such a solution may be found.

Q. Mr. Secretary, if I may ask one other question, does it mean that the United States might provide arms to Arab countries?

any arms shipments from the Soviet bloc to Egypt. Can you tell whether this is a likely prospect or not?

A. No, I could not say whether it would be a likely prospect or not. As I say, in the first place we do not know what amount or character of arms may be involved in the Egyptian-Soviet bloc deal and to what extent, if any, it may seriously upset the balance of power in the area. It has in the main been the policy of the United States as was set out in the joint statement which the British Foreign Secretary and I issued in New York last week,¹ to avoid participation in what might become an arms race, and we still hope it will be possible to avoid getting into that situation.

Jurisdictional Disputes and Border Incidents

1. AUTHORITY OF THE UNITED NATIONS TRUCE SUPERVISION ORGANIZATION AND OF THE SYRIAN-ISRAELI MIXED ARMISTICE COMMISSION: United Nations Security Council Resolution, May 18, 1951²

The Security Council

Recalling its past resolutions of 15 July 1948,³ 11 August 1949,⁴ 29 November 1950⁵ and 8 May 1951⁶ relating to the General Armistice Agreements between Israel and the neighbouring Arab States⁷ and the provisions contained therein concerning methods for maintaining the armistice and resolving disputes through the mixed armistice commissions participated in by the parties to the General Armistice Agreements,

Noting the complaints of Syria and Israel to the Security Council, statements in the Council of the representatives of Syria and Israel, the reports to the Secretary-General of the United Nations by the Chief of Staff and the Acting Chief of Staff of the United Nations Truce

¹ *Supra.*

² U.N. document S/INF/6, Mar. 4, 1952, pp. 10-13. The draft resolution (S/2151/Rev. 1) was introduced by the United States and cosponsored by France, Turkey, and the United Kingdom. For Ambassador Warren R. Austin's statement on May 16, 1951, see Department of State *Bulletin*, June 4, 1951, pp. 91.

Supervision Organization for Palestine, and statements Council by the Chief of Staff of the United Nations Truce Organization for Palestine,

Noting that the Chief of Staff of the Truce Supervision in a memorandum of 7 March 1951, and the Chairman of the Syrian-Israel Mixed Armistice Commission on a number of occasions have requested the Israel delegation to the Mixed Armistice Commission to ensure that the Palestine Land Development Corporation Limited, is instructed to cease all operations in the demilitarized zone until such time as an agreement is arranged through the Chairman of the Mixed Armistice Commission for continuing this project;

Noting further that article V of the General Armistice Agreement between Israel and Syria¹ gives to the Chairman the responsibility for the general supervision of the demilitarized zone,

Endorses the requests of the Chief of Staff and the Chairman of the Mixed Armistice Commission on this matter and calls upon the Government of Israel to comply with them;

Declares that in order to promote the return of permanent peace to Palestine, it is essential that the Governments of Israel and Syria observe faithfully the General Armistice Agreement of 20 March 1949;

Notes that under article VII, paragraph 8, of the Armistice Agreement, where interpretation of the meaning of a particular provision of the agreement, other than the preamble and articles I and II, is in issue, the Mixed Armistice Commission's interpretation shall be final;

Calls upon the Governments of Israel and Syria to bring all disputes before the Mixed Armistice Commission or its Chairman, whichever is competent to exercise this responsibility under the Armistice Agreement, and to abide by the decisions resulting therefrom;

Considers that it is inconsistent with the objectives of the Armistice Agreement to refuse to participate in meetings of the Mixed Armistice Commission or to fail to respect requests of the Chairman of the Mixed Armistice Commission as they may be required to do under obligations under article V and calls upon the parties to be present at all meetings called by the Chairman of the Commission and to respect such requests;

Calls upon the parties to give effect to the following recommendations made by the Chief of Staff of the Truce Supervision Organization in his 542nd meeting of the Security Council on 25 April 1951, as recorded in the summary record of the Syria-Israel Armistice Conference of 1949, which was agreed to by the parties as an authoritative interpretation of article V of the General Armistice Agreement between Israel and Syria:

"The question of civil administration in villages and

"Where Israel civilians return to or remain in an Israel village or settlement, the civil administration and policing of the village or settlement will be by Israelis. Similarly, where Arab civilians return to or remain in an Arab village, a local Arab administrative and police unit will be authorized.

"As civilian life is gradually restored, administration will take shape on a local basis under the general supervision of the Chairman of the Mixed Armistice Commission.

"The Chairman of the Mixed Armistice Commission, in consultation and co-operation with the local communities will be in a position to authorize all necessary arrangements for the restoration and protection of civilian life. He will not assume responsibility for direct administration of the zone."

Recalls to the Governments of Syria and Israel their obligations under Article 2, paragraph 4 of the Charter of the United Nations and their commitments under the Armistice Agreement not to resort to military force and finds that:

- (a) Aerial action taken by the forces of the Government of Israel on 5 April 1951 and
- (b) Any aggressive military action by either of the parties in or around the demilitarized zone, which further investigation by the Chief of Staff of the Truce Supervision Organization into the reports and complaints recently submitted to the Council may establish

constitutes a violation of the cease-fire provision provided in the Security Council resolution of 15 July 1948 and are inconsistent with the terms of the Armistice Agreement and the obligations assumed under the Charter;

Noting the complaint with regard to the evacuation of Arab residents from the demilitarized zone;

- (a) Decides that Arab civilians who have been removed from the demilitarized zone by the Government of Israel should be permitted to return forthwith to their homes and that the Mixed Armistice Commission should supervise their return and rehabilitation in a manner to be determined by the Commission; and
- (b) Holds that no action involving the transfer of persons across international frontiers, armistice lines or within the demilitarized zone should be undertaken without prior decision of the Chairman of the Mixed Armistice Commission.

Noting with concern the refusal on a number of occasions to permit members and officials of the Truce Supervision Organization to enter

United Nations to settle their international disputes by means in such manner that international peace and security be endangered, and expresses its concern at the failure of the Governments of Israel and Syria to achieve progress pursuant to the terms of the Armistice Agreement to promote the return to normal peace in Palestine;

Directs the Chief of Staff of the Truce Supervision Organization to take the necessary steps to give effect to this resolution for the purpose of restoring peace in the area, and authorizes him to take such steps as may be necessary to restore peace in the area and to make such representations to the Governments of Israel and Syria as he may deem necessary;

Calls upon the Chief of Staff of the Truce Supervision Organization to report to the Security Council on compliance given to this resolution;

Requests the Secretary-General to furnish such additional information and assistance as the Chief of Staff of the Truce Supervision Organization may request in carrying out the present resolution and the Council's resolutions of 8 May 1951 and 17 November 1950.

32. RESPECT FOR THE MANDATE OF THE UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE: UNITED NATIONS General Assembly Resolution 512 (VI), January 20, 1953

The General Assembly,

Recalling all the resolutions adopted at previous sessions of the General Assembly on the Palestine problem,

Having examined the progress report of the United Nations Conciliation Commission for Palestine,²

1. *Expresses its appreciation* to the Conciliation Commission for Palestine for its efforts to assist the parties to reach agreement on their outstanding differences;

2. *Notes with regret* that, as stated in paragraph 87 of the report, the Commission has been unable to fulfil its mandate under the terms of the General Assembly;

3. *Considers* that the governments concerned have the primary responsibility for reaching a settlement of their outstanding differences in conformity with the resolutions of the General Assembly on Palestine;

4. *Urges* the governments concerned to seek agreement with a view to an early settlement of their outstanding differences in conformity with the resolutions of the General Assembly on Palestine; and

to the parties to assist them in reaching agreement on outstanding questions;

6. *Requests* the Conciliation Commission for Palestine to render progress reports periodically to the Secretary-General for transmission to the Members of the United Nations;

7. *Requests* the Secretary-General to provide the necessary staff and facilities for carrying out the terms of the present resolution.

3. ISRAELI-SYRIAN WATER DIVERSION DISPUTE: United Nations Security Council Resolution, October 27, 1953¹

The Security Council,

Having taken note of the report of the Chief of Staff of the Truce Supervision Organization dated 23 October 1953 (S/3122),²

Desirous of facilitating the consideration of the question, without however prejudicing the rights, claims or position of the parties concerned,

Deems it desirable to that end that the works started in the Demilitarized Zone on 2 September 1953 should be suspended during the urgent examination of the question by the Security Council,

Notes with satisfaction the statement made by the Israel representative at the 631st meeting regarding the undertaking given by his Government to suspend the works in question during that examination,³

Requests the Chief of Staff of the Truce Supervision Organization to inform it regarding the fulfilment of that undertaking.⁴

¹ U.N. doc. S/3128, Oct. 27, 1953. The resolution was adopted following a complaint by Syria concerning Israeli activity on a hydroelectric project involving the diversion of the Jordan River at Banat Yaacov in the Syrian-Israeli demilitarized zone.

² The report stated, among other things, that the Chief of Staff of the Truce Supervision Organization had informed Israel on Sept. 23, that the work in the demilitarized zone should cease "so long as an agreement is not arranged."

³ U.N. Security Council, *Official Records, 631st Meeting, Oct. 27, 1953*, p. 5.

⁴ The Security Council continued to consider this question. In December 1953 the United States, the United Kingdom, and France sponsored a resolution which, among other things, supported the Chief of Staff in his decision with regard to stopping the diversion project, called upon him to maintain the demilitarized character of the zone, and authorized him to explore conciliation possibilities. The Soviet Union opposed the resolution on the ground that bilateral consent alone was not the decision of the Chief of Staff was the basis for permitting any undertaking in the demilitarized zone, and vetoed the resolution on Jan. 22, 1954. It was the 7th veto. For statements by the U.S. Representatives in the Security Council

34. THE QIBYA (ISRAEL-JORDAN) INCIDENT: UN Security Council Resolution, November 24, 1953

The Security Council,

Recalling its previous resolutions on the Palestine question, particularly those of 15 July 1948,² 11 August 1949,³ and 18 November 1948 concerning methods for maintaining the armistice and settling disputes through the Mixed Armistice Commissions,

Noting the reports of 27 October 1953 and 9 November 1953 to the Security Council by the Chief of Staff of the United Nations Truce Supervision Organization and the statements to the Security Council by the representatives of Jordan and Israel,

A

Finds that the retaliatory action at Qibya taken by armed forces of Israel on 14-15 October 1953 and all such actions constitute a breach of the ceasefire provisions of the Security Council resolutions of 1948 and are inconsistent with the parties' obligations under the General Armistice Agreement⁵ and the Charter;

Expresses the strongest censure of that action, which is prejudicial to the chances of that peaceful settlement which, in accordance with the Charter, are bound to seek, and calls upon Israel to take effective measures to prevent all such actions in the future;

B

Takes note of the fact that there is substantial evidence of the demarcation line by unauthorized persons, often resulting in acts of violence, and requests the Government of Jordan to take and strengthen the measures which it is already taking to prevent such crossings;

Recalls to the Governments of Israel and Jordan their obligations under Security Council resolutions and the General Armistice Agreement to prevent all acts of violence on either side of the demarcation line;

Calls upon the Governments of Israel and Jordan to take effective co-operation of local security forces;

C

Reaffirms that it is essential, in order to achieve progress towards a lasting settlement of the issues between them, that the parties abide by their obligations

phasizes the obligation of the Governments of Israel and Jordan to cooperate fully with the Chief of Staff of the Truce Supervision Organization;

requests the Secretary-General to consider, with the Chief of Staff, the best ways of strengthening the Truce Supervision Organization to furnish such additional personnel and assistance as the Chief of Staff of the Truce Supervision Organization may require for the performance of his duties;

requests the Chief of Staff of the Truce Supervision Organization to report within three months to the Security Council with such recommendations as he may consider appropriate on compliance with enforcement of the General Armistice Agreements, with particular reference to the provisions of this resolution and taking into account the agreement reached in pursuance of the request by the Government of Israel for the convocation of a conference under article XII of the General Armistice Agreement between Israel and Jordan.¹

ISRAELI ATTACKS IN THE GAZA STRIP: United Nations Security Council Resolution, March 29, 1955²

Security Council, recalling its resolutions of 15 July 1948,³ 11 August 1949,⁴ 17 November 1950,⁵ 18 May 1951⁶ and 25 [24] November 1953;⁷ having heard the report of the Chief of Staff of the Truce Supervision Organization and statements by the Representatives of Egypt and Israel;

finding that the Egyptian-Israeli Mixed Armistice Commission on 6 March 1955 determined that a "prearranged and planned attack carried out by Israeli authorities" was "committed by Israeli regular forces against the Egyptian regular army force" in the Gaza Strip on February 28th, 1955;

The Department of State issued a statement on Oct. 18, 1953, expressing its "deepest sympathy for the families of those who lost their lives" in the Qibya massacre as well as the conviction that those responsible "should be brought to justice and that effective measures should be taken to prevent such incidents in the future" (Department of State *Bulletin*, Oct. 26, 1953, p. 552). See also the State Department communiqué of Oct. 18, 1953; *supra*, pp. 1467-1468. For background information see *Report of the Security Council to the General Assembly Covering the period from 16 July 1953 to 15 July 1954* (A/2712), pp. 6-15, and *United States Participation in the United Nations: Report by the President to the Congress for the year 1953* (Department of State publication 5459: 1954) pp. 75-77.

Condemns this attack as a violation of the cease-fire provisions of the Security Council resolution of 15 July 1948 and as inconsistent with the obligations of the parties under the General Armistice Agreement between Egypt and Israel¹ and under the Charter;

Calls again upon Israel to take all necessary measures to prevent such actions;

Expresses its conviction that the maintenance of the General Armistice Agreement is threatened by any deliberate violation of the Agreement by one of the parties to it, and that no progress toward the return of permanent peace in Palestine can be made unless the parties comply strictly with their obligations under the General Armistice Agreement and the cease-fire provisions of its resolution of 15 July 1948.

36. ISRAELI-EGYPTIAN OBLIGATIONS TO COOPERATE WITH THE UNITED NATIONS TRUCE SUPERVISION COMMISSION: United Nations Security Council Resolution, 1955²

The Security Council,

Taking note of those sections of the report by the Chief of Staff of the TSO³ which deal with the general conditions on the Demarcation Line between Egypt and Israel, and the current present tension;

Anxious that all possible steps shall be taken to preserve the peace in this area, within the framework of the General Armistice Agreement between Egypt and Israel;⁴

Requests the Chief of Staff to continue his consultations with the Governments of Egypt and Israel with a view to the introduction of practical measures to that end;

Notes that the Chief of Staff has already made certain proposals to this effect;

Calls upon the Governments of Egypt and Israel to cooperate with the Chief of Staff with regard to his proposals, bearing in mind that, in the opinion of the Chief of Staff, infiltration can be reduced to an occasional nuisance if an agreement were effected between the parties on the lines he has proposed;

Requests the Chief of Staff to keep the Council informed of the progress of his discussions.

¹ Agreement of Feb. 24, 1949; *supra*, pp. 698-707.

7. CALL FOR THE IMPLEMENTATION OF THE SECURITY COUNCIL RESOLUTION OF MARCH 30, 1955: Letter From the President of the Security Council to Each Member, June 7, 1955¹

EXCELLENCY: As President of the Security Council this month it is incumbent upon me to bring to the attention of the members of the Council my concern over the situation created by the continued incidents along the Gaza Demarcation Line and the difficulties which are being encountered by the Chief of Staff of the United Nations Truce Supervision Organization [Maj. Gen. E. L. M. Burns] in carrying out the Council's unanimous resolution of March 30, 1955.² You will recall that this resolution called upon the Governments of Egypt and Israel to cooperate with the Chief of Staff with regard to his proposals directed toward preservation of security in that area.

It is to be hoped that the Security Council resolution will be implemented promptly with the full cooperation of the Governments of Egypt and Israel. If this hope is not realized, however, and General Burns does not receive the full cooperation of the parties concerned, it may be necessary to call a meeting of the Council for the specific purpose of considering the status of the implementation of the resolution of March 30 and such further assistance and support to the Chief of Staff as may be necessary.

This letter is being addressed to each member of the Security Council. Copies are being sent to the representatives of Egypt and Israel and the Secretary-General.

Accept, Excellency, the renewed assurances of my highest consideration.

8. RENEWED APPEAL FOR ISRAELI-EGYPTIAN COOPERATION WITH THE TRUCE SUPERVISION ORGANIZATION: United Nations Security Council Resolution, September 8, 1955

The Security Council,
 Recalling its resolution of 30 March 1955,⁴
 Having received the report of the Chief of Staff of the Truce Supervision Organization,⁵

¹ U.N. doc. S/3406, June 7, 1955. Text is also found in Department of State *Bulletin*, June 20, 1955, pp. 1016-1017. The letter was sent by Ambassador Henry Cabot Lodge in his capacity as President of the Security Council for the month of June. For a statement by the temporary U.S. Representative in the

Noting with grave concern the discontinuance of the talks initiated by the Chief of Staff in accordance with the above-mentioned resolution,

Deploing the recent outbreak of violence in the area along the Armistice Demarcation Line established between Egypt and Israel on 24 February 1949,¹

1. Notes with approval the acceptance by both parties of the appeal of the Chief of Staff for an unconditional cease-fire;

2. Calls upon both parties forthwith to take all steps necessary to bring about order and tranquility in the area, and in particular to desist from further acts of violence and to continue the cease-fire in full force and effect;

3. Endorses the view of the Chief of Staff that the armed forces of both parties should be clearly and effectively separated by measures such as those which he has proposed;

4. Declares that freedom of movement must be afforded to United Nations Observers in the area to enable them to fulfill their functions;

5. Calls upon both parties to appoint representatives to meet with the Chief of Staff and to co-operate fully with him to these ends; and

6. Requests the Chief of Staff to report to the Security Council on the action taken to carry out this Resolution.

39. UNITED STATES SUPPORT OF UNITED NATIONS EFFORTS TO ACHIEVE PEACEFUL SETTLEMENT: Statement by the Department of State, November 5, 1955 ²

During recent weeks, especially during the last few days, the United States has noted, with deep concern, the increasing tempo of hostilities between Israel and Egypt. According to our information there have been violations of the General Armistice Agreement by both Israel and Egypt which have led to bloodshed and loss of life. The United States deplores resort to force for the settlement of disputes. The Secretary-General of the United Nations and General [E. L. M. Burns have put forward proposals to Israel and Egypt which are designed to ease the present situation along their common border. The United States strongly supports the United Nations efforts to achieve settlement by peaceful means, especially the current proposals of General Burns, who is the Chief of Staff of the United Nations Truce Supervision Organization.

Recent reports have also been received that United Nations observers who are under General Burns' direction have been pro-

continues to believe that these United Nations observers should all liberty to perform their peaceful functions.

stant Secretary Allen informed the Ambassadors of Israel and of the attitude of the United States and asked for information respect to their Governments' intentions regarding these matters.

Shipping Restrictions in the Suez Canal

EGYPTIAN RESTRICTIONS ON ISRAELI SHIPPING IN THE SUEZ CANAL: United Nations Security Council Resolution, November 1, 1951¹

Security Council

Recalling that in its resolution of 11 August 1949 (S/1376), leading to the conclusion of Armistice Agreements between Israel and the neighbouring Arab States² it drew attention to the pledges in these Agreements "against any further acts of hostility between the parties",

Recalling further that in its resolution of 17 November 1950 (S/1517 and Corr. 1), it reminded the States concerned that the Armistice Agreements to which they are parties contemplate "the return to permanent peace in Palestine", and therefore urged them and the States in the area to take all such steps as will lead to the settlement of the issues between them,

Noting the report of the Chief of Staff of the Truce Supervision Commission to the Security Council of 12 June 1951 (S/2194),

Further noting that the Chief of Staff of the Truce Supervision Commission recalled the statement of the senior Egyptian delegate to the Commission on 13 January 1949, to the effect that his delegation was imbued with every spirit of co-operation, conciliation and a sincere desire to restore peace in Palestine", and that the Egyptian Government has not complied with the earnest plea of the Chief of Staff made to the Egyptian delegate on 12 June 1951, that it desist from the current practice of interfering with the passage through the Suez Canal of goods destined for Israel,

Considering that since the armistice regime, which has been in force for nearly two and a half years, is of a permanent character,

ment between the parties and the establishment of a permanent peace in Palestine set forth in the Armistice Agreement,

7. *Finds further* that such practice is an abuse of the right of visit, search and seizure,

8. *Further finds* that that practice cannot in the present circumstances be justified on the ground that it is necessary for

9. *And further noting* that the restrictions on the passage through the Suez Canal to Israel ports are denying to the time connected with the conflict in Palestine valuable supplies for their economic reconstruction, and that these restrictions with sanctions applied by Egypt to certain ships which call at Israel ports represent unjustified interference with the right to navigate the seas and to trade freely with one another, the Arab States and Israel,

10. *Calls upon* Egypt to terminate the restrictions on the free passage of international commercial shipping and goods through the Canal wherever bound and to cease all interference with shipping beyond that essential to the safety of shipping in the Canal, and to the observance of the international conventions in force

41. OBLIGATION OF EGYPT TO COMPLY WITH THE SECURITY COUNCIL'S RESOLUTION OF 1951: the United States Representative at the United Nations Security Council, March 25, 1954²

The issue before us is the compliance of a valued member of the United Nations with a decision taken 2½ years ago by the main body of this organization charged with the maintenance of international peace and security. After examining the facts as presented by both sides, this Council adopted a resolution on September 1, 1951,³ which continues to apply to the facts as they are, and to them relating to the complaint now under consideration. The resolution of 1951 was adopted after the parties themselves entered into a general armistice agreement⁴ which had as one of its purposes the promotion of permanent peace in Palestine. The resolution stems from that agreement. The basic issues are as those considered then, and in our opinion, nothing has changed since 1949, when the Armistice Agreement was signed, or when the resolution was adopted, to alter their validity or their relevance to the peace of the area.

Throughout the history of the Palestine Question the United Nations has sought a peaceful, just, and equitable settlement of the many complicated problems arising out of the Palestine conflict. The decisions of the various organs of the United Nations have not always satisfied our own views 100 percent. But we have consistently sought to respect and give effect to the combined judgment which those decisions represent. We, for our part, feel that the parties directly concerned in these questions have an equal duty to respect and make every reasonable effort to give effect to the combined judgment of the United Nations, whether expressed in the Security Council or in the General Assembly, or other competent organs. We must say frankly that the desire of the interested parties to do so has not always been apparent. If, disregarding the collective efforts of the United Nations, the parties bring the house down upon themselves, it is they who will suffer most. This may seem like a strong statement, but candor compels it.

When the United Nations was established, such situations as these were the reason why we combined together to pool some of our resources and to subject some of our interests to the judgment of the majority. It seems to us that the parties to the Palestine Question are losing sight of the immense value to themselves that this process represents. None of us can stand alone; disregard of the Council's view in one instance encourages recalcitrance in another. The whole fabric of international cooperation inevitably suffers. Thus, to repeat, the question before us is one of compliance with a decision of the United Nations. That decision was based on several important considerations, one of which was that, and I quote, "neither party can reasonably assert that it is actively a belligerent or requires to exercise the right of visit, search and seizure for any legitimate purpose of self-defense."

In our opinion, this principle is equally applicable to the Suez Canal and to any waters outside the Canal. This principle and the decision of the Council in its resolution of 1951 should be applied by the parties themselves through the Mixed Armistice Commission which they themselves set up. Differences arising between the parties under the Armistice Agreement should always, in our opinion, be handled as fully as possible in the first instance by the Mixed Armistice machinery. An exception to this rule could weaken the effectiveness of that machinery. We believe that the Mixed Armistice Commission, in considering the specific complaint with respect to actions in the Gulf of Aqaba, must be bound not only by the provisions of the General Armistice Agreement, but should act also in the light of paragraph 5 of the resolution of September 1, 1951.

has referred to the "complete good will of Egypt" and "prepare the ground for a reasonable solution." He also earlier, called for similar efforts by the Government of Egypt. We could not fail to endorse such sentiments. We are confident that they can be given effect by acceptance and reaffirmation of the Council's decision of September 1, 1951. We hold similar views with respect to the various other decisions of the United Nations on the question of Palestine. We hope that these views will be the views of all responsible members, whether or not they have the peculiar responsibility of membership in this Council. In this spirit we will vote for the draft resolution on the delegation of New Zealand.²

The Status of Jerusalem

[INTERNATIONAL REGIME FOR THE JERUSALEM AND PROTECTION OF THE HOLY PLACES: GENERAL ASSEMBLY RESOLUTION 303 (IV), DECEMBER 1948]

42. REMOVAL OF THE ISRAELI FOREIGN OFFICE FROM TEL AVIV TO JERUSALEM: Statement by the Secretary-General, July 28, 1953⁴

The United States regrets that the Israeli Government has decided to move its Foreign Office from Tel Aviv to Jerusalem.

We have made known our feelings on that subject on two prior occasions. It was done in January 1952 and again in March 1953, when our Ambassador, hearing that this was in contemplation, called upon the Israeli Government and requested them not to transfer their Foreign Ministry

¹ 661st meeting of the Security Council, Mar. 12, 1954.

² The Soviet Union vetoed the draft resolution on Mar. 2, 1954. The Security Council took up again the question of Egyptian interference in the Suez Canal in October 1954 following a complaint by Israel that it had seized on Sept. 28, 1954, the *Bat Galim*, a ship flying the Israeli flag. It was attempting to transit the Suez Canal. For a statement by the United States in the Security Council on Jan. 4, 1955, see Department of State Bulletin, Jan. 10, 1955, p. 1.

We feel that way because we believe that it would embarrass the United Nations, which has a primary responsibility for determining the future status of Jerusalem. You may recall that the present standing U.N. resolution about Jerusalem¹ contemplates that it should be to a large extent at least an international city rather than a purely national city. Also, we feel that this particular action by the Government of Israel at this particular time is inopportune in relation to the tensions which exist in the Near East, tensions which are rather extreme, and that this will add to rather than relax any of these tensions.

The views that I express here are, we know, shared by a considerable number of other governments who have concern with the development of an atmosphere of peace and good will in that part of the world.

We have notified the Government of Israel that we do not intend to move our own Embassy to Jerusalem.²

3. RETENTION OF THE AMERICAN EMBASSY AT TEL AVIV Statement by the Department of State, November 3, 1954³

The ranking diplomatic representatives of Jordan, Lebanon, Iraq, Yemen, Saudi Arabia, Libya, Syria, and Egypt called on the Secretary of State on November 3 to make known the views of their Governments with respect to the plans for presentation of credentials in Jerusalem by the appointed American Ambassador to Israel, Edward B. Lawson.

In the course of the conversation the Secretary recalled the policy of the U.S. Government to look to the United Nations as primarily responsible for determining the future status of Jerusalem. Following normal practice, the presentation of credentials would be effected by Ambassador Lawson at the place where the Chief of State actually resides. The fact that this means that the presentation will take place in Jerusalem implies no change in our attitude regarding Jerusalem nor does it imply any change in the location of the American Embassy in Israel, which is at Tel Aviv.

¹ i.e., General Assembly Res. 303 (IV), Dec. 9, 1949; *A Decade of American Foreign Policy*, pp. 859-860.

² See Department of State *Bulletin*, July 20, 1953, p. 82.

³ *Ibid.*, Nov. 22, 1954, p. 776.

Palestine Refugees

44. UNITED NATIONS PALESTINE REFUGEE AID ACT Title III of Public Law 535 (81st Congress, 2d Session), June 1950

AN ACT

To provide foreign economic assistance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Economic Assistance Act of 1950."

TITLE III

AID TO PALESTINE REFUGEES

SEC. 301. This title may be cited as the "United Nations Palestine Refugee Aid Act of 1950".

SEC. 302. The Secretary of State is hereby authorized to receive contributions from time to time before July 1, 1951, to the United Nations Relief and Works Agency for Palestine Refugees in the Near East, established under the resolution of the General Assembly of the United Nations of December 8, 1948, amounts not exceeding in the aggregate \$27,450,000 for the purposes set forth in this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 303. (a) There are hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, not to exceed \$27,450,000 to carry out the purposes of this title.

(b) Notwithstanding the provisions of any other law, the Reconstruction Finance Corporation is authorized and directed, from time to time as an appropriation shall be made pursuant to subsection (a) of this section,³ to make advances to the Secretary of State, not to exceed in the aggregate \$8,000,000, to carry out the provisions of this title. From appropriations authorized under subsection (a) of this section there shall be repaid to the Reconstruction Finance Corporation the principal and interest, the advances made by it under authority of this section. No interest shall be charged on advances made by the Reconstruction Finance Corporation in implementing this section.

NATURE OF ASSISTANCE

304. (a) The provisions of sections 301, 302, and 303 of the January 27, 1948 (62 Stat. 6),¹ are hereby made applicable with effect to the United Nations Relief and Works Agency for Palestine Refugees in the Near East to the same extent as they apply with respect to the government of another country: *Provided*, That when reimbursement is made by said Agency, such reimbursement shall be charged to the appropriation, fund, or account utilized for paying the salaries, travel expenses, and allowances of any person assigned to the Agency.

Departments and agencies of the United States Government are authorized, with the approval of the Secretary of State, to furnish or cause to be furnished supplies, materials, and services to the United Nations Relief and Works Agency for Palestine Refugees in the Near East: *Provided*, That said Agency shall make payments in advance for the cost of such supplies, materials, or services, which payments may be credited to the current appropriation or fund of the department or agency concerned and shall be available for the purposes for which such appropriations and funds are authorized to be used.

UNITED NATIONS GENERAL ASSEMBLY RESOLUTION
393 (V), DECEMBER 2, 1950²

General Assembly,

Adopting its resolution 302 (IV) of 8 December 1949,³

Having examined the report⁴ of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and the report⁵ of the Secretary-General concerning United Nations Relief and Works Agency for Palestine Refugees,

Notes that contributions sufficient to carry out the programme authorized in paragraph 6 of resolution 302 (IV) have not been made, and that Governments which have not yet done so to make every effort to make voluntary contributions in response to paragraph 13 of resolution 302 (IV);

Recognizes that direct relief cannot be terminated as provided in paragraph 6 of resolution 302 (IV);

Authorizes the Agency to continue to furnish direct relief to persons in need, and considers that, for the period 1 July 1951 to

required for direct relief to refugees who are not yet re-integrated into the economy of the Near East;

4. *Considers* that, without prejudice to the provisions of paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948, the reintegration of the refugees into the economic life of the Near East, either by repatriation or resettlement, is essential for the time when international assistance is no longer required for the realization of conditions of peace and stability;

5. *Instructs* the Agency to establish a reintegration fund which shall be utilized for projects requested by any government of the Near East and approved by the Agency for the permanent resettlement of refugees and their removal from relief;

6. *Considers* that, for the period 1 July 1951 to 30 June 1952, a sum not less than the equivalent of \$30,000,000 should be contributed to the Agency for the purposes set forth in paragraph 5 above;

7. *Authorizes* the Agency, as circumstances permit, to utilize the funds available for the current relief and works programme from the relief programme provided in paragraph 3 above, for the execution of projects provided for in paragraph 5;

8. (a) *Requests* the President of the General Assembly to establish a Negotiating Committee composed of seven or more Member States for the purpose of consulting, as soon as possible during the next session of the General Assembly, with Member States and the United States as to the amounts which governments may be willing to contribute on a voluntary basis towards:

(i) The current programme for relief and works for the year ending 30 June 1951, bearing in mind the need for securing contributions from Member States which have not yet contributed;

(ii) The programme of relief and reintegration projects provided for in paragraphs 3 and 4 above for the year ending 30 June 1952;

(b) *Authorizes* the Negotiating Committee to adopt the method best suited to the accomplishment of its task, bearing in mind the following:

(i) The need for securing the maximum contribution from Member States;

(ii) The desirability of ensuring that any contribution is of a nature which meets the requirements of the current relief and works programmes;

(iii) The importance of enabling the United Nations Relief and Works Agency for Palestine Refugees in the Near East to plan its programmes in advance and to carry them out with full confidence that they will be fully contributed;

(iv) The degree of assistance which can continue to be provided by the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

Decides that, as soon as the Negotiating Committee has completed its work, the Secretary-General shall at the Committee's arrangement, during the current session of the General Assembly, appropriate meeting of Member and non-member States at which members may commit themselves to their national contributions and contributions of non-members may be made known;

Authorizes the Secretary-General, in consultation with the Administrative Committee on Administrative and Budgetary Questions, to use the funds, deemed to be available for this purpose and not exceeding \$5,000,000, from the Working Capital Fund to finance operations pursuant to the present resolution, such sum to be repaid not later than 31 December 1951;

Calls upon the Secretary-General and the specialized agencies to use to the fullest extent the Agency's facilities as a point of contact and co-ordination for technical assistance programmes in countries in which the Agency is operating;

Expresses its appreciation to the United Nations International Children's Emergency Fund, the World Health Organization, the United Nations Educational, Scientific and Cultural Organization, the United Nations Refugee Organization, the International Labour Organization and the Food and Agriculture Organization for the assistance they have rendered, and urges them to continue to furnish all the assistance to the Agency;

Commends the International Committee of the Red Cross, the National Societies of Red Cross Societies, and the American Friends Service Committee for their invaluable services and whole-hearted co-operation in the distribution of relief supplies until those functions were taken over by the Agency;

Expresses its thanks to the numerous religious, charitable and humanitarian organizations whose programmes have brought much supplementary assistance to the Palestine refugees, and urges them to continue and expand, to the extent possible, the work which they have undertaken on behalf of the refugees;

Extends its appreciation and thanks to the Director and staff of the Agency and the members of the Advisory Committee for their efficient and devoted work.

January 1952,¹ 614 (VII) of 6 November 1952,² 720 (V) of 11 November 1953,³ and 818 (IX) of 4 December 1954,⁴

Noting the annual report⁵ and the special report⁶ of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the special report⁷ of the Advisory Committee of the Agency,

Having reviewed the budgets for relief and rehabilitation for 1953 and 1954 by the Director of the Agency,

Noting that repatriation or compensation of the refugees, as provided for in paragraph 11 of resolution 194 (III), has not been effected and that no substantial progress has been made in the programme for the rehabilitation of refugees endorsed in paragraph 2 of resolution 513 (IV), that the situation of the refugees therefore continues to be a grave concern,

1. *Directs* the United Nations Relief and Works Agency for Palestine Refugees in the Near East to pursue its programmes for the rehabilitation of refugees, bearing in mind the limitations placed upon it by the extent of the contributions for the fiscal year 1954-55;

2. *Requests* the Agency to continue its consultation with the United Nations Conciliation Commission for Palestine in the best interests of the refugees, with particular reference to paragraph 11 of resolution 194 (III);

3. *Requests* the Government of the area, without prejudice to paragraph 11 of resolution 194 (III), to make a determined effort in co-operation with the Director of the Agency, to seek and carry out projects capable of supporting substantial numbers of refugees;

4. *Notes with gratification* that the Government of the Hashemite Kingdom of the Jordan and the Agency have made substantial progress toward resolving the difficulties which impede the granting of visas to all qualified refugee children in Jordan;

5. *Notes* the serious need of the other claimants for relief and rehabilitation in the special report prepared by the Director pursuant to paragraph 6 of resolution 818 (IX), namely, the frontier villagers in Jordan, the non-refugee population of the Gaza strip, a number of the refugees in Egypt, and certain of the Bedouin;

6. *Appeals* to private organizations to give them increased assistance to the extent that local Governments cannot do so;

7. *Urges* all Governments and individuals to support the work of the organizations with food, goods and services;

8. *Requests* the Negotiating Committee for Extra-Budgetary Assistance to submit, after the receipt of the budgets from the Director of the Agency,

appears to the Governments of Member and non-member States the voluntary contributions to the extent necessary to carry out to fulfilment the Agency's programmes, and thanks the various religious, charitable and humanitarian organizations for valuable and continuing work in assisting the refugees;

Expresses its thanks to the Director and the staff of the Agency for their continued faithful efforts to carry out their mandate, and thanks the Governments of the area to continue to facilitate the work of the Agency and to ensure the protection of its personnel and property;

Requests the Director of the Agency to continue to submit the reports referred to in paragraph 21 of resolution 302 (IV) as well as annual budgets.

THE IRANIAN OIL CONTROVERSY

UNITED STATES POSITION IN TALKS WITH IRAN AND THE UNITED KINGDOM: Statement by the Department of State, May 18, 1951¹

The United States is deeply concerned by the dispute between the United States and British Governments over Iranian oil. We are firm friends of Iran and Great Britain and are sincerely interested in the welfare of each country. The United States wants an amicable settlement of the dispute, which is serious not only to the parties directly concerned but also to the whole free world. We have followed the matter closely and have told both countries where we stand. The views which we have expressed have related to the broad aspects of the problem, and it has not been appropriate for us to advise with respect to specific arrangements which might be worked out.

Since the United States attitude has been the subject of some discussion, it is deemed advisable to describe the position which we have taken in our talks with representatives of Iran and Great Britain. We have stressed to the Governments of both countries the need to settle the dispute in a friendly way through negotiation and have urged them to avoid intimidation and threats of unilateral action.

In our talks with the British Government, we have expressed the view that arrangements should be worked out with the Iranians which give recognition to Iran's expressed desire for greater control

¹Department of State *Bulletin*, May 28, 1951, p. 851. See also statements by the Department of State on Apr. 9 and 19, and remarks by the Secretary of State on Apr. 23, 1951; *ibid.*, Apr. 23, 1951, p. 661, Apr. 30, 1951, p. 700, and June 1, 1951, p. 891.

over and benefits from the development of its petroleum. While the United States has not approved or disapproved of any particular British proposal, it is pleased to note a similar move on the part of the British to negotiate with the Iranians on the outstanding issues.

We fully recognize the sovereign rights of Iran and support them with Iran's desire that increased benefits accrue to it from the development of its petroleum. In talks with the Iranian Government, we have pointed out the serious effects of any cancellation of clear contractual relationships which the United States strongly opposes. We have stressed the importance of the Iranians achieving their legitimate objectives through friendly relations with the other party, consistent with their international responsibilities. This would have the advantage of maintaining confidence in future commercial investments in Iran and, indeed, in the contractual arrangements all over the world.

Iran has been urged, before it takes final action, to analyze the practical aspects of this problem. In this connection, we have raised the question of whether or not the elimination of the British oil company from Iran would in fact secure for Iran the maximum possible benefits. We have pointed out that the efficient production and refining of Iranian oil requires not only technical knowledge and capital but transport and marketing facilities such as those provided by the company. We have also pointed out that any uncertainty about the future availability of Iranian supplies would cause concern on the part of customers which might lead to shifts in their sources of supply with a consequent decreased revenue to Iran.

Those United States oil companies which would be best qualified to conduct operations such as the large-scale and complex ones in Iran have indicated to this Government that they would be reluctant to face unilateral action by Iran against the British company and are unwilling to undertake operations in that country. Moreover, the petroleum technicians of the number and competence required in Iran are those presently in Iran are not, due to extreme shortages of personnel in this specialized field, available in this country or in other countries.

The United States believes that Iran and Great Britain have a strong mutuality of interests that they must and will find it in their interest through friendly negotiation, of reestablishing a relationship which will permit each party to play its full role in the achievement of their common objectives. Through such negotiation it is felt that their basic desires and interests can best be realized, the legitimate interests preserved, and the essential flow of Iranian oil into the markets of the free world maintained.

The United States has repeatedly expressed its great interest in the continued independence and territorial integrity of Iran and will continue to give concrete evidence of this interest.

8. UNITED STATES NONINTERVENTION IN IRANIAN DOMESTIC AFFAIRS: Aide-Mémoire From the American Ambassador at Tehran to the Iranian Minister for Foreign Affairs, May 2, 1951¹

The aide-mémoire of His Excellency, the Minister for Foreign Affairs of Iran, which was handed to the American Ambassador in Tehran on May 21,² has been carefully considered by the Government of the United States.

It is unfortunate that the public statement made by this Government on May 18³ has been misconstrued by the Iranian Government as intervention in the internal affairs of Iran. The United States wishes to make it clear that it did not then intend, nor does it now intend, to interfere in the internal affairs of Iran, nor to oppose Iranian sovereign rights or the expressed desires of the Iranian Government in regard to control of Iranian resources.

There is, however, a legitimate basis for deep and proper interest on the part of this Government in a solution of the oil problem in Iran. A serious controversy exists between Iran and Great Britain, a controversy which could undermine the unity of the free world and seriously weaken it. The United States is bound to both countries by strong ties of friendship and has attested its sincere concern for the well-being of both. It has, therefore, in view of the importance of the matter, discussed the issues with both parties and has stated publicly the principles it considers important in reaching a solution of this controversy.

The United States continues in its firm belief that an issue of this kind can be settled satisfactorily only by negotiation by the parties concerned. While the United States has urged upon both parties the need for moderation, it has taken no position on details of an arrangement which might be worked out. It has, however, reaffirmed its stand against unilateral cancellation of contractual relationships and actions of a confiscatory nature. The United States is convinced that through negotiation a settlement can be found which will satisfy the desires of the Iranian people to control their own resources, which will protect legitimate British interests and which will assure uninterrupted flow of Iranian oil to its world markets. Such a settlement is in the opinion of this Government, of the utmost importance not only to the welfare of the two powers concerned but to that of the entire free world. The United States wishes to state again its deep interest in the welfare of the Iranian people and in the maintenance of the independence and territorial integrity of Iran, which is a cardinal principle of United States policy.

¹ Department of State *Bulletin*, June 4, 1951, pp. 891-892.

² Not printed.

³ *Supra*.

49. OFFER TO SEND A PRESIDENTIAL REPRESENTATIVE TO TEHRAN: Message From the President of the United States to the Prime Minister of Iran, July 8, 1951

I am most grateful to Your Excellency for giving me in your letter a full and frank account of the developments in the oil dispute which has arisen between your Government and the oil interests in Iran.² This matter is so full of dangers to the oil of your own country, of Great Britain, and of all the free world that I have been giving the most earnest thought to the problem. I had hoped that the common interests of the two countries would be involved and the common ground which has been developed in our discussions would open the way to a solution of the most complicated problems which have arisen. You know of the strategic interest in this country in Iran's desire to control her own resources. From this point of view we were happy to learn that the British Government has on its part accepted the principle of nationalization.

Since British skill and operating knowledge can contribute so much to the Iranian oil industry I had hoped—and still hope—that a way could be found to recognize the principle of nationalization without sacrificing British interests to the benefit of both. For these reasons we have watched with concern the breakdown of your discussions with the British toward a collapse of oil operations with all the attendant dangers to Iran and the world. Surely this is a disaster which statesmen must find a way to avoid.

Recently I have come to believe that the complexity of the problem involved in a broad settlement and the shortness of the time available before the refinery must shut down—if the present situation continues—require a simple and practicable *modus vivendi* under which oil operations can continue and under which the interests of all concerned will be prejudiced. Various suggestions to this end have been made, but the time available is running out.

In this situation a new and important development has arisen. The International Court of Justice, which your Government, the British Government, and our own, all joined with others to establish as the guardian of impartial justice and equity, has made a suggestion for a *modus vivendi*.³

Technical considerations aside, I lay great stress on the

¹ Department of State *Bulletin*, July 23, 1951, pp. 129-130.

² Letter of June 28, 1951; *ibid.*, July 9, 1951, pp. 72-73.

³ On May 26, 1951, the United Kingdom instituted proceedings in the International Court of Justice against Iran in connection with the application of the agreement of 1933 between the Imperial Government of Persia and the United Kingdom.

urt. I know how sincerely your Government and the British Government believe in the positions which you both have taken in discussions. However, I am sure you believe even more profoundly in the idea of a world controlled by law and justice which is the hope of the world since the San Francisco conference. From questions of jurisdiction, no one will doubt the impartiality of the World Court, its eminence, and the respect due to it by all who signed the United Nations treaty.

Therefore, I earnestly commend to you a most careful consideration of my suggestion. I suggest that its utterance be thought of not as a demand which is or is not binding depending on technical legal conditions, but as a suggestion of an impartial body, dedicated to law and equity and to a peaceful world based upon these great principles. A study of its suggestion by your Government and by the British Government will, I am sure, develop methods of implementing it which will carry out its wise and impartial purpose—regulating the operation of the oil industry and preserving the position of both Governments. Surely no government loses any element of its sovereignty or the support of its people by treating with all due consideration and respect the utterance of this great Court. My own Government and people believe this profoundly. Should I take such a position I am sure that the stature of Iran would be enhanced in the eyes of the world.

I have a very sincere desire, Mr. Prime Minister, to be as helpful as possible in this circumstance. I have discussed this matter at length with W. Averell Harriman who, as you know, is one of my personal advisers and one of our most eminent citizens. Should you wish to receive him, I should be happy to have him go to Tehran with a personal representative to talk over with you this immediate pressing situation.

I take this opportunity to assure Your Excellency of my highest regard and to convey to you my confidence in the future well-being and prosperity of Iran.¹

OBSERVATIONS ON IRANIAN PROPOSALS FOR SETTLEMENT OF THE CONTROVERSY: Note From the President's Special Representative (W. Averell Harriman) to the Prime Minister of Iran, September 15, 1951²

Your Excellency's message of September 12³ has been communicated to me by the Iranian Ambassador. I share your regret that the

under Lord Privy Seal Stokes did not culminate in upon a settlement of the oil controversy.¹ I know that interruption to the production and shipment of Iranian oil is a very considerable hardship upon the economy of Iran and upon the economy of Great Britain. The United States and the entire free world looked anxiously upon these discussions and hoped that some solution could be found which would satisfy the interests of both parties.

I assure Your Excellency that I continue to stand ready in any way that I can in finding a just solution. Insofar as far I have endeavored to be frank and objective in the discussions I have given to the Iranian Government, as well as to the British Government. It is in this objective and friendly spirit that I am now making an effort to be helpful to you in arriving at a settlement, and I do not like to comment upon the substance of your communications.

With reference to the proposals in general, I should say that they appear to be the same as proposals made by the British Government during the course of the negotiations in which the British Mission did not accept since they did not meet the practical and commercial aspects of the international situation. In some respects the proposals in fact represent a retreat from the positions taken during the discussions.

Your Excellency has suggested that the various departments of the Anglo-Iranian Oil Company be retained, insofar as they do not conflict with the terms of the Nationalization Law, and that the managers and other responsible personnel of the technical departments employed in the National Oil Company of Iran with the same status which they enjoyed previously. You have also stated that the Iranian Government is prepared to create a mixed enterprise composed of Iranian and neutral foreign technicians who will jointly manage the administrative and technical affairs of the National Oil Company of Iran.

In discussing this possibility during the negotiations, I have endeavored to point out to the Iranian representatives the impossibility of attempting to operate a large and complex industrial enterprise on the basis of a number of section heads reporting to a board of directors with no single individual being given executive authority. I have stated that no organization can operate effectively in this manner. I have understood Mr. Stokes' position in Tehran to be that the British Government would not consider it workable. Moreover, I have pointed out that effective operations, particularly of a refinery of the complexity of that in Abadan, require the employment of a centralized organization rather than the employment of indi-

capable management and operated in a manner which would assure safety and efficiency.

Your Excellency has expressed concern that the arrangements for the operation of the oil industry must take into account the requirements of the Nationalization Law. I am convinced that arrangements are possible which would meet this objective and at the same time would assure that the oil industry is conducted on an efficient basis. During our visit in Tehran Mr. Levy and I discussed with Iranian officials arrangements under which a competent organization could be employed to operate under the control of the National Oil Company of Iran. Such arrangements are a common business practice throughout the world.

Your Excellency has reiterated that the Iranian Government has not intended and does not intend to confiscate the property of the Anglo-Iranian Oil Company and has suggested methods for the determination of the amount of compensation.

While I have no comments upon your suggestions for determining the value of the assets, it is obvious that payment of compensation must depend upon and will be affected by arrangements for the efficient operation of the oil industry to assure that the products continue to be made available for sale to world markets. As I have pointed out to Your Excellency, in the view of the United States Government the seizure by any government of foreign-owned assets without either prompt, adequate and effective compensation or alternative arrangements satisfactory to the former owners is, regardless of the intent, confiscation rather than nationalization. There must be more than a willingness to pay; there must be the ability to do so in an effective form. I believe, however, that if arrangements for the sale of oil are made with the British interests the compensation problem could be worked out satisfactorily and that the net oil income accruing to Iran could be as large as that of any other oil-producing country under comparable circumstances.

Your Excellency has stated that the Iranian Government is prepared to sell to the British ten million tons of oil per year, this quantity representing an estimate of Iranian oil previously used in Great Britain. It is specified that sales would be at prevailing international prices on the basis of the f.o.b. value at Iranian ports. It is also stated that this oil would be delivered to any company or transport agency designated by the British.

As I pointed out to Your Excellency in Tehran, in order to be assured of continuous sales of substantial quantities of its oil in world markets Iran must make arrangements with customers that can make available the transportation and distribution facilities

The production of Iranian oil before the present controversy amounted to some 30 million tons per year. The major portion of this production was handled by British concerns and affiliates. They have developed markets for it throughout the world. They have the great transportation facilities needed to carry the oil from Iran to its markets, where only they have the necessary distribution facilities for it. Arrangements, including financial terms, for the sale of only that portion of the oil which previously went to Great Britain would leave the problem of shipping to and distribution in other parts of the world unsolved, and would force the British interests to turn to other sources of supply.

During the negotiations in Tehran the Iranian Government indicated its willingness to consider a long-term contract for the export of Iranian oil to an organization acting on behalf of former purchasers of the products. Under this suggestion, that portion of the oil output which was not covered by this contract could be sold directly by the National Oil Company of Iran to its own customers. Your Excellency's present suggestion would indicate that there has been a change in this position.

Your Excellency, in pointing out that the suspension of negotiations with the British and the shutdown of the Iranian oil industry has created a serious situation in Iran, has stated that if a satisfactory conclusion is not achieved within 15 days from the date on which a proposal is submitted to the British Government the Iranian Government intends to cancel the residence permits held by the British and experts now residing in the southern oilfields.

As I have pointed out to Your Excellency, the proposals which I have set forth in your communication do not represent a departure from the positions taken in the discussions in Tehran and the interests which appear to be the opposite. I believe that the problem which Iran and Great Britain are confronted can be settled through negotiations based upon recognition of the practical business and technical aspects of the oil industry and based upon mutual respect between the parties. Such a settlement, which would attain the aspirations for control of the oil industry within Iran, is, I am convinced, possible and feasible in accordance with the discussions which I had in Tehran and the comments I have made. However, I am concerned that my passing your communication to the British Government would militate against a settlement, particularly in view of the position taken regarding the expulsion of the British employees in Iran, a position which I believe will only further aggravate a very serious situation.

As a sincere friend of Iran, I earnestly hope that Your Excellency

Adjournment of discussion on pending draft resolutions until the International Court of Justice shall have ruled upon its own competence in the matter.

2. PROPOSALS FOR SETTLEMENT OF THE CONTROVERSY

Joint Message and Proposals From the President of the United States and the Prime Minister of the United Kingdom to the Prime Minister of Iran, August 30, 1952²

To His Excellency
Dr. Mohammad Mossadegh,
Prime Minister of Iran

We have reviewed the messages from our two Embassies in Iran regarding recent talks with you, as well as your communication of August 7, 1952, to the British Government.³ It seems clear to us that to bring about a satisfactory solution to the oil problem will require prompt action by all three of our Governments. We are attaching proposals for action which our two Governments are prepared to take and which we sincerely hope will meet with your approval and result in a satisfactory solution. We are motivated by sincere and traditional feelings of friendship for the Iranian nation

¹ U.N. doc. S/INF/6, Mar. 4, 1952, p. 3. The decision was taken on a verbal proposal by the representative of France.

Upon the breakdown of the negotiations between the United Kingdom and Iran in September 1951, and the failure of Mr. Harriman's efforts at mediation, the United Kingdom requested the Security Council on Sept. 28, 1951, to take up its complaint that Iran had failed to comply with the "provisional measures" indicated by the International Court of Justice in its order of July 5, 1951. The Security Council decided on Oct. 1 to admit the item to its agenda, and considered the question between Oct. 15 and 19, 1951. The U.S. representative supported on Oct. 17 (Department of State *Bulletin*, Nov. 5, 1951, pp. 746-749) a draft resolution (S/2358/Rev. 2, Oct. 17, 1951) calling for the resumption of negotiations to resolve the differences in accordance with the principles of the U.N. Charter, and for the avoidance of any action which would have the effect of further aggravating the situation. When it became clear, on Oct. 19, that the seven votes necessary to pass the resolution would not be secured, the Council adopted the French proposal above. In its judgment of July 22, 1952, the Court decided that it did not have jurisdiction in the case, and stated that the "provisional measures" contained in its order of July 5, 1951, had lapsed with the issuance of the judgment. For background information see *United States Participation in the United Nations Report by the President to the Congress for the Year 1951* (Department of State publication 4583; 1952), pp. 92-94; *ibid.*, 1952 (Department of State publication 5034; 1953), pp. 205-206; *Report of the Security Council to the General Assembly Covering the Period from 16 July 1951 to 15 July 1952* (A/2167), pp. 17-24; *ibid.*, 1952 (A/2437), p. 28.

² Department of State *Bulletin*, Sept. 8, 1952, p. 360.

³ Not printed.

and people and it is our earnest desire to make possible an equitable solution of the present dispute.

HARRY S.
WINSTON S. CHURCHILL

Proposals

1. There shall be submitted to the International Court the question of compensation to be paid in respect of the nationalization of the enterprise of the AIOC¹ in Iran, having regard to the position of the parties existing immediately prior to nationalization and to all claims and counterclaims of both parties.

2. Suitable representatives shall be appointed to represent the Iranian Government and the AIOC in negotiations for making arrangements for the flow of oil from Iran to world markets.

3. If the Iranian Government agrees to the proposals in the following two paragraphs, it is understood that (a) representatives of the AIOC will seek arrangements for the movement of oil abroad from Iran, and as agreements are reached upon price, and conditions of loading permit, appropriate payments will be made for such quantities of oil as can be moved; (b) Her Majesty's Government will relax restrictions on exports to Iran and on Iran's use of oil and (c) the United States Government will make an immediate grant of \$10 million to the Iranian Government to assist in their oil problem.²

¹ Anglo-Iranian Oil Company.

² On Sept. 3, 1952, the Secretary of State pointed out at a press conference that "the purpose of this grant would be to provide Iran with funds to term to assist that nation financially until flow of Iranian oil to world markets could be resumed" (Department of State *Bulletin* Sept. 15, 1952, p. 624). On Sept. 24, 1952, Prime Minister Mossadegh rejected the proposals of Anglo-Iranian Oil Company and made counter-proposals (*ibid.*, Oct. 6, 1952, pp. 532-535). On Oct. 13, 1952, the American Ambassador at Tehran delivered to Prime Minister Mossadegh a message from the Secretary of State pointing out that the rejection of the proposals had been based on certain misunderstandings of the Anglo-American oil industry and correcting the misunderstandings concerning the management of the oil industry and the purchase of the oil produced (*ibid.*, Oct. 13, 1952, pp. 532-535). On Oct. 7, 1952, Prime Minister Mossadegh replied saying that he had examined the explanations which were furnished with a view to removing the ambiguity of the joint message of Aug. 30, 1952, and that he had now authorized the British Foreign Secretary that plenipotentiary representatives of the Anglo-Iranian Oil Company be sent to Tehran to discuss the terms of the proposals of Sept. 24, 1952, if the British Government would pay for the departure of the plenipotentiary representatives a sum of 20 million pounds (*ibid.*, Oct. 20, 1952, p. 624). There was no reply to this suggestion (*ibid.*, Oct. 20, 1952, p. 624). The Department of State observed on Dec. 6, 1952, that a purchase of oil from Iran by American nationals or American firms was in the position of the U.S. Government that the decision on this point must be made by such individuals or firms as might be considering purchases. The matters involved were matters to be resolved by them (*ibid.*, Dec. 15, 1952, p. 624).

**3. IMPOSSIBILITY OF INCREASING ECONOMIC AID TO IRAN
PENDING SETTLEMENT OF THE CONTROVERSY: Message
From the President of the United States to the Prime Minister
of Iran, June 29, 1953**¹

DEAR MR. PRIME MINISTER:

I have received your letter of May 28² in which you described the present difficult situation in Iran and expressed the hope that the United States might be able to assist Iran in overcoming some of its difficulties. In writing my reply which has been delayed until I could have an opportunity to consult with Mr. Dulles and Ambassador [Roy] Henderson, I am motivated by the same spirit of friendly frankness as that which I find reflected in your letter.

The Government and people of the United States historically have cherished and still have deep feelings of friendliness for Iran and the Iranian people. They sincerely hope that Iran will be able to maintain its independence and that the Iranian people will be successful in realizing their national aspirations and in developing a contented and free nation which will contribute to world prosperity and peace.

It was primarily because of that hope that the United States Government during the last two years has made earnest efforts to assist in eliminating certain differences between Iran and the United Kingdom which have arisen as a result of the nationalization of the Iranian oil industry. It has been the belief of the United States that the reaching of an agreement in the matter of compensation would strengthen confidence throughout the world in the determination of Iran fully to adhere to the principles which render possible a harmonious community of free nations; that it would contribute to the strengthening of the international credit standing of Iran; and that it would lead to the solution of some of the financial and economic problems at present facing Iran.

The failure of Iran and of the United Kingdom to reach an agreement with regard to compensation has handicapped the Government of the United States in its efforts to help Iran. There is a strong feeling in the United States, even among American citizens most sympathetic to Iran and friendly to the Iranian people, that it would not be fair to the American taxpayers for the United States Government to extend any considerable amount of economic aid to Iran so long as Iran could have access to funds derived from the sale of its oil and oil products if a reasonable agreement were reached with regard to compensation whereby the large-scale marketing of Iranian oil would

¹ Department of State *Bulletin*, July 20, 1953, pp. 74-75.

² *Ibid.*, pp. 75-76.

opposed to the purchase by the United States Government of oil in the absence of an oil settlement.

There is also considerable sentiment in the United States to the effect that a settlement based on the payment of compensation for losses of the physical assets of a firm which has been nationalized would not be what might be called a reasonable settlement. An agreement to such a settlement might tend to weaken the trust between free nations engaged in friendly economic relations. Furthermore, many of my countrymen who have kept themselves informed regarding developments in this unfortunate dispute think that, in view of the emotions which have been aroused in Iran and the United Kingdom, efforts to determine by direct negotiation the amount of compensation due are more likely to increase misunderstanding than to promote understanding. They continue to hold the opinion that the most practicable and the fairest means of settling the question of compensation would be for that question to be referred to some neutral international body which could consider the merits of merit all claims and counter-claims.

I fully understand that the Government of Iran must take into account itself which foreign and domestic policies are likely to be the result. It is outrageous to Iran and to the Iranian people. In what I have said I am not trying to advise the Iranian Government on its policy. I am merely trying to explain why, in the circumstances, the Government of the United States is not presently in a position to agree to aid to Iran or to purchase Iranian oil.

In case Iran should so desire, the United States Government would like to be able to continue to extend technical assistance and economic aid on a basis comparable to that given during the past year.

I note the concern reflected in your letter at the present situation in Iran and sincerely hope that before it is too late the Government of Iran will take such steps as are in its power to prevent a further deterioration of that situation.

Please accept, Mr. Prime Minister, the renewed assurances of my highest consideration.

¹ A similar attitude was expressed in a statement by the Department of State on Mar. 20, 1952 (*Department of State Bulletin*, Mar. 31, 1952). The Secretary of State stated on July 28, 1953, that the growing activities of the Communist Party in Iran (the Tudeh Party) and the toleration of them by the Iranian Government were causing much concern to the United States and that these developments made it more difficult for the U.S. to continue its assistance (*ibid.*, Aug. 10, 1953, p. 178). With the change of government in August 1953, and a more hopeful approach to a settlement, the U.S. responding to an appeal of Aug. 26, 1953, by the Prime Minister, G. M. Zahedi, announced on Sept. 5, 1953, that he was making available immediate assistance to Iran on an emergency basis. The Foreign Administration offered the Iranian Government, on Sept. 1, 1953, \$400,000 for technical and economic aid during the 1954 fiscal year. This was accepted (*ibid.*, Sept. 14, 1953, pp. 349-350).

4. SETTLEMENT OF THE CONTROVERSY: Joint Statement by the Government of Iran and the Oil Consortium, August 5, 1954¹

The Iranian Government, the National Iranian Oil Company and the negotiators representing a consortium of 8 oil companies have reached accord on necessary points of an agreement which will restore the flow of Iranian oil to world markets in substantial quantities. An essential part of the consortium agreement was settlement of the question of compensation to [the] Anglo-Iranian Oil Company. A separate announcement has been made in this respect.²

The agreement must now be put into proper legal form, approved by the Boards of Directors of the participating companies, and signed by the parties concerned. It will then be submitted for enactment as part of the law of Iran and for formal approval of the Shah. It is estimated that these requirements can be concluded in about two months, after which large volumes of Iranian oil will once again be loaded at Iran's great oil ports at Abadan and Bandar Mashur bound for the consuming and refining centers of the world. In the interim period, preparations for resumption of activities will commence.

Two operating companies will be formed to operate the oil fields and refinery. These companies will receive the necessary rights and powers from the government and the National Iranian Oil Company and exercise them on their behalf to the extent specified in the agreement. The consortium companies will pay the National Iranian Oil Company for all the oil required for export and sell the crude and products exported. Provision is made for the National Iranian Oil Company to take crude oil in kind, in lieu of payments, up to 12 percent of total exports. Products for consumption within Iran will be available to the National Iranian Oil Company at substantially their cost. The agreement covers a period of 25 years, with provisions for three 5-year extensions.

¹ Department of State *Bulletin*, Aug. 16, 1954, pp. 232-233. The statement was issued by Dr. Ali Amini, representing Iran, and Howard Page, chairman of the international consortium. For a separate statement by Mr. Page, see *ibid.*, p. 233. The agreement became effective on Oct. 29, 1954. For a summary of the agreements among the companies forming the consortium, see *ibid.*, Dec. 27, 1954, pp. 985-986.

Following the change of government in Iran (August 1953), the Secretary of State, in October 1953, sent Herbert Hoover, Jr., his adviser on problems dealing with worldwide petroleum affairs, to explore the Iranian oil situation (*ibid.*, Oct. 26, 1953, p. 553). The Secretary of State remarked on Apr. 10, 1954, that the U.S. Government was taking satisfaction in the fact that negotiations would soon

plication of Iranian tax laws it has been estimated that total direct income to Iran from increased scale of operations for the first 3 full years, following a starting up period of 3 months, will be 150 million pounds on the basis of present prices and costs. The estimated figure begin at 31 million pounds for the first full year of operation, increasing to 67 million pounds for the third.

The National Iranian Oil Company will continue to operate the Naft-I-Shah oil field and Kermanshah refinery to produce a part of Iran's own oil needs, and will continue to handle the distribution of oil products in Iran.

The National Iranian Oil Company will also be responsible for all facilities and services not directly a part of producing, refining and transportation operations of the operating companies. These will include such functions as industrial training, public transport, road maintenance and facilities such as housing, medical care and social welfare. The National Iranian Oil Company will be reimbursed for a major part of the cost of such facilities and services by the operating companies, with whom close cooperation will be maintained.

Production of crude oil from Iran, following a starting up period of three months, will be increased progressively, bringing total exports of crude and products to a minimum of eighty million cubic meters (70 million tons; 500 million barrels) for the first three year period. In addition some five million cubic meters will be produced for internal consumption. Following the third year it would be the policy of the consortium companies to continue taking quantities of crude oil which would reasonably reflect the supply and demand trend for Middle East crude oil, assuming favorable operating and economic conditions in Iran.

Large scale operations at the Abadan refinery will be resumed as quickly as possible. It is expected that, again following the initial period of three months a total of nearly 35 million cubic meters (30 million tons; 220 million barrels) of crude will be processed for export during the first three years of operation. Of this, some 15 million cubic meters (13 million tons; 94 million barrels) will be processed during the last three years, a rate which will once again establish Abadan's output as the largest in the Eastern Hemisphere, despite sharp increases in refinery capacity in that area during the last three years.

The two operating companies will be organized by the consortium and will carry on operations in Iran within a specified area. One of the companies will deal primarily with exploration and production the other with refining. The companies will be registered in Iran and have their management and operating headquarters there. They will be incorporated under the laws of the Netherlands. There will be seven directors of each company, two of whom will be named by Iran and five by the consortium. Operating data and records of the companies will be available to Iran and the National Iranian Oil Company.

The consortium is expected to consist of the Gulf Oil Corporation, Esso Vacuum Oil Company Incorporated, Standard Oil (New Jersey), Standard Oil Company California, the Texas Company, the Anglo-Iranian Oil Company, Compagnie Française de Petroles and Royal Dutch/Shell.

5. UNITED STATES GRATIFICATION OVER THE SETTLEMENT: Message From the President of the United States to the Shah of Iran, August 5, 1954¹

YOUR IMPERIAL MAJESTY: The important news that your Government, in negotiation with the British, French, Dutch and United States oil companies, has reached, in principle, a fair and equitable settlement to the difficult oil problem is indeed gratifying.

Your Majesty must take great satisfaction at the success of this significant phase in the negotiations to which you personally have made a valuable contribution. I am confident that implementation of this agreement, under Your Majesty's leadership, will mark the beginning of a new era of economic progress and stability for your country.

Like myself, all Americans have a deep concern for the well-being of Iran. With them I have watched closely your courageous efforts, your steadfastness over the past difficult years, and with them I too have hoped that you might achieve the goals you so earnestly desire. The attainment of an oil settlement along the lines which have been announced should be a significant step in the direction of the realization of your aspirations for your people.

There is concrete evidence of the friendship that exists between our two countries and of our desire that Iran prosper independently in the family of free nations. We have endeavored to be helpful in the form of economic and technical assistance and we are happy to have helped in finding a solution to the oil problem.

I can assure Your Majesty of the continued friendly interest of the United States in the welfare and progress of Iran, and of the admiration of the American people for your enlightened leadership.

With sincere best wishes for the health and happiness of Your Majesty and the people of Iran.

¹ Department of State *Bulletin*, Aug. 16, 1954, p. 230. The letter was released to the press on Aug. 5. For the Shah's reply, released to the press on Aug. 9, see *ibid.*, Aug. 23, 1954, p. 266. For further statements and exchanges relative to the agreement, see *ibid.*, Aug. 23, 1954, pp. 266-267, and Nov. 8, 1954, p. 683.

Cyprus

56. UNITED STATES HOPES FOR SETTLEMENT CYPRUS ISSUE AS BETWEEN GREECE AND TURKEY

From the Secretary of State to the Prime Minister
Released September 18, 1955 ¹

I have followed with concern the dangerous deterioration of Turkish relations caused by the Cyprus question. Regardless of the causes of this disagreement, which are complex and numerous, the unity of the North Atlantic community, which is essential to our common security, must be restored without delay.

Since the time, almost a decade ago, when Communism first posed a serious threat to the free world, the close cooperation of Greece and Turkey has proved a powerful barrier to Communist ambitions in the eastern Mediterranean. Greek and Turkish troops fought valiantly, side by side, against Communist aggressors.

I cannot believe that in the face of this record of common effort, any problem will long disrupt the course of Greek-Turkish friendship. Nor can I believe that the unhappy events of the last two weeks will reverse policies of cooperation which we have followed for twenty-five years ago under the far-sighted leadership of King George II, Venizelos and Kemal Ataturk.

Since 1947 the United States has made very considerable efforts to assist Greece and Turkey to maintain their freedom and to achieve greater social and economic progress. We have extended our aid—and extend it now—because we believe that the friendship of Greece and Turkey constitutes a strong bulwark of the free world in a critical area.

If that bulwark should be materially weakened, the consequences could be grave indeed. I urge you therefore to make every effort to assure that the effectiveness of your partnership is not impaired by present disagreements.

I am confident that the spirit of close cooperation that has characterized the relations of Greece and Turkey have so often demonstrated in the past as fellow members of the United Nations, the North Atlantic Treaty Organization, and the Balkan Alliance ² will enable you to transcend immediate differences in the interests of free world unity.

¹ Department of State *Bulletin*, Sept. 26, 1955, p. 496. An *mutatis mutandis*, was sent to the Prime Minister of Turkey (*ibid.*, Sept. 27, 1955).

² Treaties of Feb. 28, 1953, and Aug. 9, 1954; *supra*, pp. 1233-1234.

The General Assembly,

Considering that, for the time being, it does not appear appropriate to adopt a resolution on the question of Cyprus,

Decides not to consider further the item entitled "Application under the auspices of the United Nations, of the principle of equal rights and self-determination of peoples in the case of the population of the Island of Cyprus".²

Kashmir

58. SUMMARY OF DEVELOPMENTS IN THE KASHMIR DISPUTE, 1947-1952 (Excerpt)³

When India and Pakistan attained independence and dominion status on August 15, 1947, the princely state of Jammu and Kashmir was one of about 560 such states whose status was left undetermined. Under the Indian Independence Act, these states could decide whether to join India or Pakistan. For most of these states, geographic proximity to one of the dominions, as well as preponderance of either Hindu or Moslem population, made the decision relatively easy.

¹ U.N. General Assembly, *Official Records, Ninth Session, Supplement No. 2* (A/2890), p. 5. In support of the draft resolution in Committee I on Dec. 1 Ambassador Lodge stated that "prolonged consideration" of the Cyprus question in the United Nations "would only increase tensions and embitter national feeling at a time when the larger interests of all concerned are best served by strengthening existing solidarity among freedom-loving nations" (Department of State *Bulletin*, Jan. 3, 1955, pp. 31-32). For background discussion of this issue, see *United States Participation in the United Nations: Report by the President to the Congress for the Year 1954* (Department of State publication 5769; 1955), pp. 58-62.

² The United States opposed the inscription of the Cyprus matter (item 58) on the agenda of the General Assembly in September 1955, both in the General Committee and in the Assembly. Ambassador Lodge stated in the General Committee on Sept. 21, among other things, that "the primary purpose of the United Nations is to encourage in every possible way the peaceful settlement of international disputes. We do not believe that the inscription of the Cyprus item . . . at this time will contribute toward that end" (Department of State *Bulletin*, Oct. 3, 1955, pp. 545-546). The General Committee decided at its 102d meeting, on Sept. 21, not to recommend the inclusion of item 58 in the agenda, and the General Assembly upheld the recommendation at its 521st plenary meeting on Sept. 23, 1955.

³ Article by Frank D. Collins, Department of State *Bulletin*, Oct. 27, 1952, pp. 663-667.

Since Kashmir lies between India and Pakistan and has a large population, it became the scene of armed conflict soon after independence.

In January 1948 the dispute was brought before the Security Council and in this month the Council established the United Nations Commission for India and Pakistan (UNCIP).¹ A year later it succeeded in obtaining the agreement of both India and Pakistan to a cease-fire and to the general principles under which a plebiscite plan for the withdrawal of the armed forces from the area and a plebiscite under U.N. auspices might be carried out. This plan was formalized in the "UNCIP resolution" of January 5, 1949. On March 21, 1949, the U.N. Secretary-General named Lord B. P. C. Acheson as administrator of the projected plebiscite. Chester W. Nimitz as administrator of the projected plebiscite was held under the terms of the January 5 resolution.

During 1949 and 1950 UNCIP,² Gen. Andrew G. L. Macdonald of Canada, acting under special temporary authority from the Security Council, and Sir Owen Dixon³ of Australia, UNCIP's successor to UNCIP, tried unsuccessfully to bring about a settlement. In January 1951 efforts of the London Conference of the Prime Ministers failed to break the impasse on the Kashmir issue. When the Security Council met on February 21, 1951, the United States joined the United Kingdom in submitting a joint resolution. The resolution provided for the appointment of a representative to succeed Sir Owen Dixon and instruct him to make appropriate modifications, and to present to India and Pakistan detailed plans for carrying out a plebiscite. The representative was directed to report to the Security Council 3 months after the end of negotiations with the governments on the subcontinent.

To accomplish this task the draft resolution authorized the representative to take into account such possibilities as: (1) the vision of U.N. Forces to facilitate demilitarization and the holding of a plebiscite; (2) the assignment to the loser in the plebiscite of the areas, contiguous to its frontier, in which the vote was overwhelmingly in the loser's favor; (3) different degrees of autonomy might be appropriate in different areas. Finally, the resolution urged upon both India and Pakistan to accept arbitration on the points which remained after their discussions with the representative and which the latter designated as points of dispute.

Both parties objected to certain parts of the resolution. India objected to the clause concerning boundary adjustments, which could mean a partial partition and was, in Pakistan's view, a travention of the January 5, 1949, agreement. India

to a number of aspects of the resolution, particularly the provision for arbitration and for the possible entry of U.N. troops. As a result of the objections by both sides, the United States and the United Kingdom presented on March 21 a revised resolution which directed the U.N. representative to effect demilitarization on the basis of the January 5, 1949 resolution to which both parties had agreed. The new draft, however, retained in its preamble the original reference to the Kashmir Constituent Assembly and also included the arbitration provision. Pakistan accepted the resolution, but India rejected it. The Security Council approved the resolution (S/2017/Rev. 1) on March 30, 1951,¹ by a vote of 8 to 0 with three abstentions (India, Soviet Union, Yugoslavia).

On April 30 the Council appointed Dr. [Frank P.] Graham, former U.S. Senator from North Carolina, as U.N. representative for India and Pakistan. Thus began the most recent phase of the Kashmir negotiations. These negotiations fall into four periods, at the end of each of which Dr. Graham reported to the Security Council.

FIRST REPORT, JULY-OCTOBER 1951

On October 15 Dr. Graham submitted his first report to the Security Council.² When he arrived on the subcontinent in July he reported, he found an atmosphere of hostility. The press in both India and Pakistan had begun a barrage of charges and countercharges which had given rise to considerable tension. Dr. Graham decided to adopt the procedure of separate, informal conversations with officials of the two governments. On September 7 he submitted a 12-point draft proposal on demilitarization to the governments and requested their comments.³ He was able to obtain the agreement of the parties to four of the 12 points. (It should be mentioned that both parties had previously committed themselves to these four points under the January 5, 1949 agreement.) In addition to reaffirming their determination not to resort to force, to avoid warlike statements, and to observe the cease-fire the parties reaffirmed the acceptance of the principle that the question of the accession of the state of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite under U.N. auspices. The points of difference under the remaining eight proposals, according to Dr. Graham, centered around the period of demilitarization, the withdrawal of troops, the size of the forces to remain on each side of the cease-fire line, and the question of whether a date should be set for the formal induction of the Plebiscite Administrator. Dr. Graham reported that because of the situation pre-

carried out at the seat of the Council. Dr. Graham said he be instructed to report to the Security Council a few weeks from the time negotiations were resumed.

On October 18 Dr. Graham made a statement to the Security Council¹ explaining his report and paying high tribute to Pakistan Prime Minister Liaquat Ali Khan, who had been in Pakistan 2 days earlier at Rawalpindi, Pakistan. Later in the month the Security Council moved to Paris, where discussions were resumed on November 10. At this meeting the United States joined the United Kingdom in sponsoring a resolution which noted with approval the basis for a program of demilitarization put forward by Pakistan and instructed him to continue his efforts to obtain an agreed demilitarization plan. In addition, the resolution instructed Dr. Graham to report to the Security Council within 6 weeks on his views on the problems confided to him. The resolution was adopted by a vote of 9 to 0 with two abstentions (India and U.S.S.R.).

SECOND REPORT, NOVEMBER-DECEMBER 1951

On December 18 Dr. Graham reported the results of his negotiations at Paris.³ He stated that his procedure had been to try to reach an agreement between the parties on the basis of proposals of September 7, 1951. Failing this, he had outlined each party's plans for demilitarization under the UNCIP plan of August 13, 1948,⁴ and January 5, 1949, in order to establish a basis of difference in interpretation and execution of those plans. These must be resolved before such demilitarization could be carried out.

Under the first point of that procedure Dr. Graham had indicated that to narrow the differences to two fundamental issues:

- (1) the minimum number of forces to be left on each side of the cease-fire line at the end of the demilitarization period;
- (2) the date on which the Government of India would be authorized to induct the Plebiscite Administrator to be inducted into office.

On December 7 Dr. Graham presented to the parties a list of questions and questionnaires relating to these issues. Informal discussions were held separately with the two delegations by Gen. Sir John Wood, U.N. military adviser to Dr. Graham. Dr. Graham reported that the disparity between the number and character of the forces proposed by each party proposed should be left at the end of the demilitarization period had been so wide that agreement on the whole plan had not been reached at that stage. In addition, agreement on the question concerning the date of induction of the Plebiscite Administrator had not been reached.

that the Plebiscite Administrator should be appointed as soon as conditions in the state permitted of a start being made with the arrangements for carrying out a plebiscite. The Pakistan Government had attached much importance to the appointment of the Plebiscite Administrator to office "as much in advance of the final date of demilitarization as possible."

Dr. Graham pointed out that agreement had been obtained on more of his 12 demilitarization proposals of September 7, 1951, and suggested some revisions of the 4 remaining points, i. e., proposals 5, 6, 7, and 10. Of these the most significant was his revision of proposal 7 on troop numbers; he suggested that ". . . there will remain on each side of the cease-fire line the lowest possible number of armed forces based in proportion on the number of armed forces existing on each side of the cease-fire line on January 1, 1949."

The Security Council resumed its hearings on January 17, 1953. On that date Dr. Graham formally submitted his report and after discussing his negotiations made a strong plea to India and Pakistan to arrive at a settlement of this long standing dispute. He stated his view that agreement on proposals 7 and 10 (troop numbers and date of appointment of the Plebiscite Administrator) would be the linchpin binding all 12 proposals together in an effectively integrated program and would prepare the way for the plebiscite. "The plebiscite," Dr. Graham stated, "would keep the promise made to the people of Jammu and Kashmir, who are worthy of the right of their own self-determination through a free, secure, and impartial plebiscite." (U.N. Doc. S/PV 570.) He remarked further:

The people of Jammu and Kashmir through a free and impartial plebiscite would signal through the darkness of these times a ray of hope that not by bullets but by ballots, not through the conflict of armies but through cooperation of peoples, the enduring way for people to determine their own destiny and way of life . . . On the subcontinent of India and Pakistan today, the place, the time, the opportunity and the leadership have met in one of the great junctures of human history for the possible weal or woe of the peoples of the world.

Immediately following the introductory statement by Dr. Graham Jacob Malik, the U.S.S.R. representative, indicated he would like to speak briefly. His statement came after the Soviet Union had maintained a virtual silence for 4 years in the Security Council on the Kashmir question. After noting that the United States and the United Kingdom had been particularly active in the Council's consideration of the Kashmir issue, Mr. Malik stated:

What is the reason why the Kashmir question is still unsettled and why the plans put forward by the United States of America and the United Kingdom in connection with Kashmir have proved fruitless from the point of view of a settle-

with Kashmir is to secure the introduction of Anglo-American troops into the territory of Kashmir and convert Kashmir into an Anglo-American military and strategic base. . . .

The United States of America and the United Kingdom are taking to exclude a settlement of the question of the status of Kashmir by referendum and unconstrained declaration by the people of Kashmir themselves. On October 1950 it became known that the General Council of the "All India Kashmir National Conference" had adopted a resolution recommending the convening of a Constituent Assembly for the purpose of determining the boundaries and affiliations of the State of Jammu and Kashmir, the United States of America and the United Kingdom immediately interfered in the matter so that the people of Kashmir to decide their own future and determine the future of their country independently. They hastened to foist upon the Security Council a resolution in which it was stated that the convening of a Constituent Assembly for Kashmir and any action that Assembly might attempt to take to determine the future shape and affiliation of Kashmir or any part thereof would be a violation of the disposition of Kashmir. . . .

The U.S.S.R. representative concluded by proposing the following solution:

The U.S.S.R. Government considers that the Kashmir question can be solved successfully only by giving the people of Kashmir an opportunity to decide the question of Kashmir's constitutional status by themselves, without outside interference. This can be achieved if that status is determined by a Constituent Assembly democratically elected by the Kashmir people. . . .

Both the U.S. and U.K. representatives challenged the Soviet charges. Sir Gladwyn Jebb, the U.K. representative, stated:

I should merely like to say that the really extraordinary fantasies which are entertained by our Soviet friend and colleague in regard to the Kashmir question are typical, as I think, of the whole Soviet approach to international relations. Whatever the dispute before us, the first thing to do is, it seems to me, to ask how and why it is part of an anti-Soviet plot designed merely to advance the interests of the ruling circles of the United States and of the United Kingdom. The object of clamping down an Anglo-American domination or dictatorship on the suffering world. Any attempt by the Security Council to deal with the Kashmir question by applying principles of reason must, unless, of course, it is conceived in the light of the Soviet Government, be viewed in the light of those general principles. The Soviet Government, by such a process of reasoning, if it can indeed be so termed, the Soviet Government comes to the conclusion that, for instance, the Kashmir question has been invented and subsequently carefully fostered by the United States and the Americans for the one end of turning Kashmir into an Anglo-American camp full of imperialistic troops destined for an eventual invasion of the Soviet Union.

No doubt there are people who can be persuaded to believe these things. There are people who could believe that, for instance, a United Nations Commission to study the habit of penguins could only be an indication of the totalitarism or on a Marxist society. It is possible to believe these things. Indeed, can always be found who will believe anything. But when we accuse our friend, Mr. Graham, of being the secret agent of the Soviet Union, well, that should, I think, cause even the most ingenuous to sit back and

The U.S. representative, Ambassador Ernest A. Gross, associated himself with the remarks of the U.K. representative and further observed:

The attacks on Mr. Graham do not merit a reply and do not require a denial. The dispute between India and Pakistan regarding Kashmir is one which my Government earnestly hopes to see settled in accordance with United Nations principles and in accordance with agreements already reached between the parties. I think it would serve no useful purpose to continue the debate at this time. The business before the Security Council, as the representative of the United Kingdom has already said, is to give the most careful and respectful consideration to the report which has just been given to us by the representative of the Council. My Government will give it the attention which it deserves.

At the meeting of the Security Council on January 30 Sir Zafrullah Khan, Pakistan's Foreign Minister, spoke in part as follows:

At the meeting of the Security Council held on January 17, 1952, a representative of the U.S.S.R. referred to certain press reports relating to the granting of military bases in Kashmir to the United States. I wish to state clearly and with authority that these reports relied upon by him for his statement are utterly false and without any foundation whatsoever. We have neither been asked for nor have we offered, any military or other bases to the U.S. or any other power. . . .

Throughout this controversy, India, Pakistan, and the Security Council have been agreed that the question of the accession of Jammu and Kashmir to Pakistan or India should be decided through the democratic method of a free and impartial plebiscite. This fundamental principle is embodied in the preamble to the Security Council Resolution of April 21, 1948,¹ and in clause I of the Commission's Resolution of January 5, 1949. (U.N. doc. S/PV 571.)

Sir Gladwyn then stated his Government's view that Dr. Graham should pay a further visit to the subcontinent to attempt to bring about a solution of the two outstanding points of difference. Ambassador Gross supported this suggestion, as did the majority of the Security Council members.

The following day, the Indian representative, Mr. Motilal Setalvad, expressed India's willingness to continue the discussions under Dr. Graham's direction and stated:

I have already declared that India is anxious to settle the Kashmir dispute quickly and peacefully. This is so not only because India is anxious that the people of Jammu and Kashmir should have an opportunity, without further delay, to determine freely their own future, but also because we most earnestly desire to prepare the way for firm and lasting friendship with our neighbor Pakistan. It is no less to our interest than to the interest of Pakistan, and to the interest of the world, that these two countries which have so much in common should live side by side in complete amity, each fully sovereign but both fully and wholeheartedly in cooperation in the pursuit of the common task of peace and progress. This is no language of convention but the free expression of a deep and sincere sentiment. It seems to be the sense of the Council that the negotiations should be continued under the auspices of the U.N. representative

Security Council that the U.N. representative, acting under the resolutions of March 30, 1951,¹ and November 10, 1951,² was authorized without any new decision by the Council to continue his efforts to fulfill his mission and submit his report, which the Council hoped would be final within 2 months. The Soviet representative objected to this decision and indicated that "if such a proposal or conclusion is submitted to a vote the delegation of the Soviet Union will abstain."

THIRD REPORT, DECEMBER 1951-APRIL 1952

Following this Security Council debate and some discussions in Paris with the parties, Dr. Graham departed for New Delhi, where he arrived on February 29 and remained until March 25. His third report was submitted to the Security Council on April 22, 1952.³

At New Delhi Dr. Graham continued his previous procedure of separate negotiations with the parties, having concluded that a meeting with representatives of the two Governments was inadvisable before sufficient preliminary agreement had been reached to insure positive results from a joint conference. This round of negotiations had two purposes: To assist the parties in removing the obstacles still blocking agreement on the proposals submitted to them and to obtain, if possible, further withdrawals of troops from the state of Jammu and Kashmir on both sides of the cease-fire line.

He reported that the Government of India maintained its position concerning the minimum number of forces to be left on each side of the cease-fire line at the end of the period of demilitarization, i. e., 21,000 regular Indian army forces plus 6,000 state militia, on the Indian side and, on the Pakistan side, a force of 4,000 men normally resident in Azad Kashmir territory, half of whom should be followers of Azad Kashmir. The Indian Government, Dr. Graham stated, considered that the questions of a definite period for demilitarization and of a date for the induction into office of the Plebiscite Administrator could be settled without difficulty, provided agreement was reached on the scope of demilitarization and the number of forces to remain at the end of the demilitarization period.

Pakistan, Dr. Graham stated, accepted the four remaining points of his 12-point demilitarization proposals, i. e., 5, 6, 7, and 10, with certain qualifications regarding the character of the forces to be demilitarized. In his view the demilitarization of the state had reached a stage at which further reductions of troops were directly related to the preparation of a plebiscite. Accordingly, he deemed it necessary that the Plebiscite Administrator-designate should be associated with him in his studies and the consideration of common problems. Dr. Graham also stated that the parties should be encouraged to continue their negotiations in the future.

(a) resolving the remaining difficulties on the 12 proposals submitted to the parties, with special reference to the number of forces to be left on each side of the cease-fire line at the end of the period of demilitarization, and

(b) the general implementation of the UNCIP resolutions of August 13, 1948 and January 5, 1949.

FOURTH REPORT, MAY-SEPTEMBER 1952

Dr. Graham, in a letter dated May 29, 1952, informed the President of the Security Council that, in agreement with the Government of India and Pakistan, the negotiations on the question of the status of Jammu and Kashmir had been renewed and that at the appropriate moment he would report to the Council on the outcome of the fourth phase of negotiations.

His fourth report, submitted on September 16, detailed the recent round of negotiations held at New York and Geneva.¹ He had first attempted to bridge the remaining differences between the parties by proposing bracketed figures of 3,000 to 6,000 armed forces on Pakistan's side and 12,000 to 18,000 on the Indian side to break the deadlock on the number of troops. As he was unable to obtain agreement on this suggestion, he submitted another draft proposal on September 12 which fixed the figures at 6,000 and 18,000 excluding Gilgit and Northern Scouts on the Pakistan side and the state militia on the Indian side. Pakistan accepted this proposal, with certain reservations; India did not.

Concluding that he could not obtain agreement on fixed figures, Dr. Graham decided it might be possible for the two Governments to agree on certain principles which could serve as criteria for fixing the number of forces in a conference of civil and military representatives of both sides. Instead of including a fixed troop quantum, his new proposal, presented on September 4, provided that the minimum number of forces to be maintained on each side of the cease-fire line be defined as those "required for the maintenance of law and order and of the cease-fire agreement with due regard to the freedom of the plebs to secede." In the case of India, the proposal added the phrase "with due regard to the security of the state" and expanded the term "forces" to include "Indian forces and state armed forces."

Dr. Graham reported the following reaction of the parties to the proposal: India, although it believed that the proposal contained "the germs of a settlement," indicated it could not accept any equating of its responsibilities with those of the local authorities on the Pakistan side of the cease-fire line and insisted that the defense of the entire state is the concern of India. Pakistan objected to certain clauses in the proposals which it suggested should be eliminated to avoid the

Administrator, a matter which he termed "the heart of the int program for demilitarization and a plebiscite." He concluded by expressing the view that to reach an agreement on a plan of demilitarization it is necessary either:

(a) to establish the character and number of forces to be left on each side of the cease-fire line at the end of the period of demilitarization; or

(b) to declare that the forces to remain on each side of the cease-fire line at the end of the period of demilitarization should be determined in accordance with the requirements of each area, and, accordingly, principles or criteria should be established which would serve as guidance for the civil and military representatives of the Governments of India and Pakistan in the meeting contemplated in the Provisional Clause of the revised proposals.

59. FIFTH REPORT BY THE UNITED NATIONS REPRESENTATIVE FOR INDIA AND PAKISTAN,¹ MARCH 27, 1951 (Excerpts)²

1. In previous reports and statements to the Security Council the United Nations Representative has reviewed the background and content and the steps in the acceptance of the twelve proposals for a plan of demilitarization of the State of Jammu and Kashmir submitted to the Governments of India and Pakistan on 7 September 1948. In his report of 1951.

2. This report should be read in connexion with the first (S/2383 Corr. 1), second (S/2448), third (S/2611) and fourth (S/2783) reports of the United Nations Representative.

3. We shall in this report not review again the twelve proposals as a whole but shall concentrate on proposal seven. Differences between proposal seven continue on two issues (1) the number and character of the forces to be left on the two sides of the cease-fire line at the end of the period of demilitarization. In his efforts to bring the two Governments to reach an agreement the United Nations Representative has made six suggestions for the negotiation of the parties, including the latest exploratory suggestions made in October 1951. In reviewing these suggestions and the present situation the report will be in five parts.

4. Part I will review the suggestions regarding proposal seven. Part II will point out the values of the induction of the Plebiscite Administrator into office at an early fixed time; Part III will review the assurances and elucidations regarding the 13 August 1948 Declaration of the United Nations Representative. Part IV will review the suggestions regarding the

part V will emphasize the importance to the people of the State, the two nations, and the world of an agreement on the Kashmir dispute.

IV

A. CONVERSATIONS IN NEW YORK PRELIMINARY TO THE CONFERENCE IN GENEVA

4. These conversations were participated in, on the part of India by Mr. Rajeshwar Dayal, Minister, Permanent Representative to the United Nations, and Mr. B. Rajan, Adviser; and, on the part of Pakistan, by Mr. Mohammed Zafrulla Khan, Minister for Foreign Affairs, Mr. A. A. Khan, Adviser.

5. On 23 December 1952, following the presentation by the United Kingdom and the United States of America of the joint draft resolution [S/2839], the Security Council at the 611th meeting adopted resolution [S/2883] which provided, *inter alia*, that:

"The Security Council

"

"Endorses the general principles on which the United Nations Representative has sought to bring about agreement between the Governments of India and Pakistan;

"

"Urges the Governments of India and Pakistan to enter into immediate negotiations under the auspices of the United Nations Representative for India and Pakistan in order to reach agreement on the specific number of forces to remain on each side of the cease-fire line at the end of the period of demilitarization, this number to be between 3,000 and 6,000 armed forces remaining on the Pakistan side of the cease-fire line and between 12,000 and 18,000 armed forces remaining on the Indian side of the cease-fire line, as suggested by the United Nations Representative in his proposal of 16 July 1952 (annex III of S/2783) such specific numbers to be arrived at bearing in mind the principles of criteria contained in paragraph 7 of the United Nations Representative's proposal of September 1952 (annex VIII of S/2783).

"

"Requests the Governments of India and Pakistan to report to the Security Council not later than thirty days from the date of the adoption of this resolution; and further requests the United Nations Representative for India and Pakistan to keep the Security

The Government of India is not prepared to be a party to talks on the basis suggested in paragraph 7 of the draft resolution. With these explicit reservations, however, the Government of India would, in line with its readiness to explore all avenues towards a peaceful settlement, be prepared to join in any talks in connexion with this dispute. If the Council, in its wisdom, still considers it useful or necessary to proceed with the draft resolution we can only profoundly regret its decision.

(b) At another meeting of the Security Council held on 10 January 1952 [610th meeting], Mr. Zafrulla Khan, the representative of Pakistan, stated *inter alia*:

"I should like to state, once again, that we are prepared to move forward on the basis of the draft resolution now before the Security Council, subject to the suggestions which I made when the draft was first introduced and which might improve the situation, as well as the desirability of reaching an agreement between the two sides."

37. The United Nations Representative invited the representatives of India and Pakistan to meet on 12 January 1953 in the United Nations Headquarters in New York, in order to ascertain attitudes towards a renewal of the negotiations. At that meeting and in those that followed it was evident that whereas the Government of Pakistan was prepared to comply with the resolution of the Security Council of 23 December 1952 and to enter into immediate negotiations on that basis, the Government of India remained unwilling to accept the resolution as the basis for the resumption of negotiations. However, the representative of India confirmed that India was prepared "to consider avenues of peaceful negotiations which do not violate the basic principles and standards of the two resolutions of the UNCIP".

38. Following upon these conversations, the Governments of India and Pakistan, on 23 January 1953, agreed that a meeting of the representatives of the two Governments at ministerial level should be held under the auspices of the United Nations Representative in Geneva, India and Pakistan in the European Office of the United Nations, beginning 4 February 1953, for the purpose of continuing the negotiations,

"... on the basis of the UNCIP's resolutions of 13 April 1948 and 5 January 1949, bearing in mind the assurances, recommendations and elucidations given to the Governments of India and Pakistan by the UNCIP. This basis for the resumption of the negotiations will be without prejudice to a further consideration,

B. CONFERENCE IN GENEVA FROM 4 TO 19 FEBRUARY 1953

9. The Conference took place in Geneva from 4 to 19 February 1953.
10. The delegations of India and Pakistan were composed as follows:

India:

Sir Girja Shankar Bajpai, Ambassador, Governor of Bombay
Leader

Mr. D. P. Dhar, Adviser

Mr. V. Shankar, Adviser

Mr. J. Kidwai, Adviser

Pakistan:

Mr. Mohammed Zafrulla Khan, Minister for Foreign Affairs
Leader

Mr. Aftab A. Khan, Adviser

Major-General K. H. Shakh, Senior Military Adviser

Lieut. Colonel Mohammed Iqbal Khan, Junior Military Adviser

1. The Conference in Geneva may be divided into two different stages as follows:

1) *Consideration of the UNCIP resolutions of 13 August 1948 and 5 January 1949*

2. The first meeting of the Conference took place on 4 February 1953 and was confined to discussion of the procedure to be followed. The United Nations Representative made a statement [see annex II to this report]¹ in which he stated, *inter alia*:

"I should like to propose that we start with the examination of the resolution of 13 August 1948, part by part. In this way we may determine to what extent the resolution has already been implemented, and define, as completely as possible, the obstacles which have until now impeded the implementation of those parts which have not yet been carried into effect. I hope that with regard to each of such obstacles it will be possible for the Governments concerned to indicate the conditions under which the obstacles might be removed."

3. It was agreed that (a) the discussion would start with the consideration of part I (Cease-fire order) of the resolution of the UNCIP of 13 August 1948, followed by part II (Truce agreement) of that resolution, and (b) the discussion of part II would be initiated with consideration of paragraph A, sub-paragraphs 1 and 2, and paragraph B, sub-paragraphs 1 and 2, and then, if agreement were reached on those points, examination of paragraph A, sub-paragraph 3, and paragraph B, sub-paragraph 3, would take place.

of 13 August 1948. The discussion was confined to paragraph A, sub-paragraphs 1 and 2, and paragraph B, sub-paragraphs 1 and 2 which read as follows:

UNCIP's resolution of 13 August 1948

"PART II

"*Truce agreement*

" . . .

"A

"1. As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State.

"2. The Government of Pakistan will use its best endeavours to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting.

" . . .

"B

"1. When the Commission shall have notified the Government of India that the tribesmen and Pakistani nationals referred to in part II, A, 2 hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further, that the Pakistani forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agree to begin to withdraw the bulk of its forces from that State in stages to be agreed upon with the Commission.

"2. Pending the acceptance of the conditions for a final settlement of the situation in the State of Jammu and Kashmir the Indian Government will maintain within the lines existing at the moment of the cease-fire the minimum strength of its forces which in agreement with the Commission are considered necessary to assist the local authorities in the observance of law and order. The Commission will have observers stationed where it deems necessary."

45. The positions of India and Pakistan in regard to the implementation of this part of the resolution were summarized by the two repre-

part, and that their numbers, equipment and efficiency constituted a threat to the security of the State. The implementation, therefore, by Pakistan of A. 1 and 2 of Part II of the resolution will not materially diminish this threat which is aggravated by the ease with which, owing to the proximity of Pakistan's military cantonments, these forces could be quickly reinforced by the Pakistan army. So long as agreement regarding the complete disbanding and disarming of the *Azad* Kashmir forces is not reached, a truce agreement cannot create 'the conditions for a final settlement of the situation in the State of Jammu and Kashmir'. India is, therefore, unable to accept any reduction of its present forces except as part of an overall arrangement which includes not only the withdrawal of Pakistan troops, tribesmen and Pakistan nationals not normally resident in the State who have entered for the purpose of fighting but also agreement on the measures to be adopted for the complete disbanding and disarming of the *Azad* Kashmir forces" (see annex IV, appendix).¹

Pakistan

"It will be seen that under the resolution the withdrawal of Pakistan troops is contingent upon the withdrawal of the 'bulk' of the Indian Army (clause B (1)). The UNCIP had explained that 'synchronization of the withdrawal of the armed forces of the two Governments will be arranged between the respective High Commands and the Commission'. (See paragraph 10 of appendix I to the Commission's letter dated 27th August 1948 to the Foreign Minister of Pakistan).

"It was reaffirmed by the Pakistan Delegation on 5 February 1953 that once a satisfactory truce agreement based on the above principles was arrived at, the Government of Pakistan would proceed to fulfill all the obligations that devolved on it.

"The problem thus resolved itself into one of securing India's agreement to withdraw the 'bulk' of its forces from the State of Jammu and Kashmir as provided for in Part II of the 13 August 1948 resolution" [see annex V, memorandum, paras. 4 and 5].¹

46. The results of the meetings and conversations with the representatives separately on this approach led the United Nations Representative to the conclusion that agreement was not possible at that time between the two Governments on a truce agreement based solely on part II of the 13 August 1948 resolution and it appeared to him that the same difficulties that existed as early as 1949 were still the main obstacles in the way of carrying out the commitment embodied in part II.

47. The United Nations Representative did not feel he could continue this approach as the figures of troops proposed by the Government of India for the withdrawal of the bulk of their Army were not such

as he could sponsor with Pakistan; nor were the figures suggested by Pakistan negotiable with India.

48. It was clear to the United Nations Representative, that this approach would not lead to any fruitful result and, in accordance with the terms of reference agreed upon between the two Governments for the Conference, further consideration of the twelve proposals ensued.

(2) *Further consideration of the twelve proposals*

49. As the United Nations Representative has pointed out and as it was borne out in the last discussions in the Security Council, the main problem under the programme of demilitarization was the question dealt with under paragraph 7 of his twelve proposals, that is to say the number and character of forces to remain on each side of the cease-fire line at the end of a period of demilitarization.

50. The United Nations Representative, having met separately with the representatives of India and Pakistan to discuss with each their positions on this important matter, presented on 14 February 1951 to the two representatives for discussion, proposals [see annex I to this report]¹ which contained, *inter alia*, in paragraph 7 specific figures for the forces on each side of the cease-fire line at the end of the period of demilitarization. The revised text of paragraph 7 appears in annex II.

51. The positions of the representatives of India and Pakistan on these proposals were set forth in their communications of 17 February 1951 [annexes IV and V to this report].¹

[For the position of India, see annex IV, memorandum.]

[For the position of Pakistan, see annex V, memorandum, para. 9.]

52. After thorough consideration of these communications and further conversations with the representatives of India and Pakistan the United Nations Representative felt that there was no ground left at that stage on which to continue the conference and therefore, in agreement with the two representatives, he decided to conclude it.

V. IN VIEW OF THE CONTINUING DISAGREEMENT, IT IS TIMELY AGAIN TO RECALL THE VALUE OF AN AGREEMENT TO THE PEOPLE OF (A) THE STATE, (B) THE TWO NATIONS AND (C) THE WORLD.

A. *Values to the People of the State*

53. The people of the State of Jammu and Kashmir have waited for a long time for the fulfilment of their just aspirations.

historic state. Renewed physical and spiritual energies would be released by an agreed settlement of this dispute.

54. The meaning of this new freedom would shine across the earth from the top-most roof of the world, brightening the lives of the people in the hills and valleys, fields and forests, the homes and schools, mosques and temples, the shops and workplaces, beckoning near and far to all people struggling to be free.

B. Values to the People of the Two Nations

55. An agreement would have many positive values to India and Pakistan:

(1) The two Governments, without prejudice to their conceptions and claims, would by the reconciliation of their long maintained differences over Kashmir, take a decisive and co-operative step forward, rather than continuing to the point of possible catastrophe, a disagreement over the ways for the carrying out of these four-year-old agreements which provide for the determination by the people of Jammu and Kashmir of their relation to India and Pakistan.

(2) The dispute over Kashmir would be settled by a constructive peace and not by force of arms or the attrition of years, with their attendant international bitterness and their running sore drawing off the higher interests and energies of two peoples.

(3) Settlement of the Kashmir dispute might contribute to the settlement of the disputes over evacuee property and water ways, with all the meaning of these steps to the morale, and the productive programmes of these historic peoples, most ancient on the earth, yet youngest in the hopes and dreams of their new liberation, and most resolute in the faith and courage of their dedicated leadership.

C. Values to the People of the World

56. The universal yearning of the people for peace is today confronted with the high potentials of the world for war. The people of the sub-continent have an unprecedented opportunity for providing the leadership, setting the example and mayhap turning the direction of human affairs, away from the tendencies to self-destruction, to the ways of self-determination, peace and co-operation. The settlement of the Kashmir dispute, with its implications for the 400,000,000 people of the sub-continent, might set in motion the

Kashmir and thereby light a torch along the difficult path of the people's pilgrimage toward peace.

8. Out of the East, the cradle of civilizations and the home of great spiritual faiths, would come again the example to the nations and the call to all peoples for demilitarization, self-determination, and co-operation in great programmes for education, health, production and peace on all the earth.

[Negotiations concerning the disposition of Kashmir were subsequently conducted bilaterally between Pakistan and India without the benefit of the presence of a United Nations Representative.]

Goa

60. PEACEFUL SETTLEMENT OF THE GOA CONTROVERSY Statement by the Secretary of State at a News Conference, August 2, 1955 ¹

At his news conference on August 2 Secretary Dulles was asked if he would comment on the tension over the Portuguese colony of Goa on the west coast of India since India and Portugal have broken off relations over the dispute and some members of the Indian Parliament have demanded limited war. In reply, the Secretary made the following statement:

The United States is concerned with tension in that area as it is with tension in any area. It has always been our policy to favor the settlement of disputes by peaceful means. That is, of course, the principle which is expressed in the charter of the United Nations. That applies to Goa as well as to any other place in the world. We are pleased to note that, as I recall, Prime Minister Nehru affirmed that principle for his own Government, and I am confident that that is also the view that will be taken by the Government of Portugal.

61. DEVELOPMENTS IN THE GOA CONTROVERSY: Transcript of a News Conference of the Secretary of State, December 6, 1955 (Excerpts) ²

Q. Mr. Secretary, did you say "province" or "colony"?

A. Province.

Q. Mr. Secretary, in connection with Goa, is there any question that the NATO commitment could possibly cover Goa or any of the other Portuguese possessions in Asia or in that part of the world?

A. That part of the world is definitely outside of the North Atlantic Treaty area.

Q. Mr. Secretary, in your statement in connection with the visit of the Portuguese Foreign Minister and your reference to the Portuguese provinces¹ were you attempting to give support of the United States to the Portuguese position in the controversy with India, or just what was your purpose in making that reference?

A. Well, you will recall that in an earlier statement, which I made, I think the early part of August² I indicated the interest of the United States in a peaceful solution of the problem. The statement which was issued here the other day was primarily a statement directed against the introduction of hate and prejudice into a situation which needs to be dealt with in a spirit of calm. We did not take, or attempt to take, any position on the merits of the matter. We did jointly express our concern at the atmosphere of hatred and prejudice which was sought to be created out of it.

Q. Mr. Secretary, you said that all the world regards it as a Portuguese province. India does not, apparently, and I wondered whether or not there had been any exchanges since this statement was made between your Government and the Indian Government.

A. I do not think that the Indian Government questions the status of these various portions of territory that are governed by Portugal as being under Portuguese law "provinces." I believe that they are such under the Constitution of Portugal and that the residents of these areas, which include not merely Goa but several others, such as Macao, have the full rights of Portuguese citizens. They can be elected to office and serve in Portugal and also elsewhere. I do not think there is any particular controversy about the status of those areas under the Constitution of Portugal.

Q. And you include Goa in that?

A. Goa, and there are two other points I think in India and there is the province of Macao off the China coast. I think their status is

A. Well, we did give it very careful consideration. The communiqué was not lightly issued. But we did feel that it was appropriate and right to indicate our attitude toward the emotionalism which was sought to be created by the Soviet rulers when they were in India. They were not in India at that time but had just left India. But the creation and fomenting of that atmosphere of hatred was something we felt we should express ourselves against.

Q. Mr. Secretary, are you saying, in effect, that the United States is against the settlement of this incident between Portugal and India on anything other than peaceful grounds but that the United States is not taking sides on how it should be settled?

A. As you know, we have been strongly advocating the principle that these situations should not be settled by force. That general approach has, I think, been sympathetically shared by Prime Minister Nehru. We have taken that position in relation to all these situations where there are national claims that conflict. We did not think that should be settled by force. And we had the feeling that the statements which were made by the Russians in relation to this matter were designed to create an atmosphere which might generate efforts to invoke force. That was our objection.

G. DEVELOPMENTS IN AFRICA

Morocco

2. RIGHTS OF AMERICAN NATIONALS IN MOROCCO **Statement by the Department of State, June 29, 1951¹**

In October 1950 the Government of the French Republic instituted proceedings against the United States in the International Court of Justice concerning the rights of American nationals in Morocco. The Court subsequently set time limits for the filing by the two Governments of written pleadings.² On March 1, 1951, the French Government filed its Memorial with the Court. The United States

pursuant to which Morocco is represented in foreign affairs by France. The French Memorial, and the French application instituting proceedings, had not specified whether the French Government brought this case on behalf of France, on behalf of Morocco, or on behalf of both countries. The United States Government is concerned that both France and Morocco, as well as the United States, should be parties to the case before the International Court and should be bound by the Court's judgment. Since the French written pleadings had not made clear whether the moving party or parties were France, Morocco, or both, the United States Government sought in discussion with the French Government, beginning April 23, 1951, to have this point clarified prior to the filing of this Government's Counter-Memorial. However, representatives of the French Government informed representatives of the United States Government on June 9, 1951, that the French Government was not prepared to make any formal statement concerning the identity of the parties in whose name and on whose behalf the present case has been brought. The representatives of the French Government stated that the application and the Memorial did not require clarification. Accordingly, last week the United States Government filed with the Court, pursuant to its rules, a preliminary objection¹ asking the Court to rule on the identity of the party or parties which had instituted the proceedings and which would therefore be bound by the judgment of the Court in the case. The United States wishes to secure an authoritative determination by the Court on the rights of American nationals in Morocco pursuant to treaties governing the obligations between France, Morocco, and the United States. This Government is naturally anxious that the case proceed without unnecessary delays, and indeed regretted the necessity of filing a preliminary objection. It is hoped, nevertheless, that the issue raised in the preliminary objection may be disposed of promptly and that it will then be possible to proceed without delay to subsequent phases of the *Moroccan* case.²

¹ For the text of the preliminary objection (June 15, 1951; filed June 21), see the Department of State *Bulletin*, July 30, 1951, pp. 179-181.

² The French Government presented to the International Court of Justice on July 28, 1951, observations and submissions on the U.S. Government's preliminary objection of June 15, 1951 (*ibid.*, Dec. 17, 1951, pp. 978-982). As a result of clarification which followed from an exchange of correspondence between the U.S. and French Governments and between the two Governments and the Court Registrar, the U.S. withdrew its preliminary objection in October 1951, upon the French Government's declaration that it was acting both on its own behalf and as the protecting power of Morocco. The proceedings on the merits were then resumed upon filing by the U.S. of a counter-memorial on Dec. 20, 1951 (not printed). Following the filing of a French reply on Feb. 15, 1952, a U.S. rejoinder was filed on Feb. 22, 1952.

3. FREE POLITICAL INSTITUTIONS FOR MOROCCO: United Nations General Assembly Resolution 612 (VII), December 1, 1952¹

The General Assembly,
Having debated the "Question of Morocco", as proposed by thirteen Member States in document A/2175,
Mindful of the necessity of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,
Considering that the United Nations, as a centre for harmonizing the actions of nations in the attainment of their common ends under the Charter, should strive towards removing any causes or factors of misunderstanding among Member States, thus reasserting the general principles of co-operation in the maintenance of international peace and security,

1. *Expresses the confidence* that, in pursuance of its proclaimed policies, the Government of France will endeavour to further the fundamental liberties of the people of Morocco, in conformity with the purposes and Principles of the Charter;
2. *Expresses the hope* that the parties will continue negotiations on an urgent basis towards developing the free political institutions of the people of Morocco, with due regard to legitimate rights and interests under the established norms and practices of the law of nations;
3. *Appeals* to the parties to conduct their relations in an atmosphere of goodwill, mutual confidence and respect and to settle their disputes in accordance with the spirit of the Charter, thus refraining from acts or measures likely to aggravate the present tension.

¹ U.N. General Assembly, *Official Records, Seventh Session, Supplement No. 1* (A/2361), p. 5. For a statement by the U.S. representative in Committee I on Dec. 15 in connection with the resolution, see Department of State *Bulletin*, Jan. 5, 1953, pp. 33-34. He said, among other things: "We have faith in the peoples and Governments of France and Morocco who must and will work out their destinies together." The General Assembly adopted a further resolution on the Morocco question on Dec. 17, 1954 (Res. 812 (IX)), which in substance expressed confidence that a satisfactory solution would be achieved by the two peoples concerned, and decided to postpone for the time being further consideration of this item; U. N. General Assembly, *Official Records, Ninth Session, Supplement No. 21* (A/2890), p. 5. For statements by Ambassador Lodge on the resolution on Dec. 13, 1954, in the General Assembly, favoring its adoption, see Department of State *Bulletin*, Jan. 3, 1955, pp. 28-30. The General Assembly adopted an identical resolution (911 (X)) on Dec. 3, 1955; U. N. General Assembly, *Official Records, Tenth Session, Supplement No. 19* (A/3116), pp. 3-4. For a statement by Ambassador Lodge on Nov. 28, 1955, in Committee I favoring the resolution, see Department of State *Bulletin*, Dec. 19, 1955, pp. 1040-1041.

4. RETURN OF SULTAN MOHAMMED BEN YOUSEF (MOHAMMED V) TO MOROCCO: Statement by the Department of State, November 18, 1955 ¹

The U.S. Government welcomes the return of Mohammed V to Morocco and on this anniversary of his accession to the throne wishes to extend warm and friendly greetings to him and the people of Morocco.

His Majesty's return marks a significant step in the development of cooperation between Morocco and France. While there are many problems yet to be worked out, the degree of concession and the friendly spirit which are demonstrated by both French and Moroccan leaders bode well for success in working out mutually satisfactory arrangements. It is earnestly hoped that such arrangements will lead to the peace and prosperity of the Moroccan community.

Tunisia

5. FREE POLITICAL INSTITUTIONS FOR TUNISIA: United Nations General Assembly Resolution 611 (VII), December 17, 1952 ²

The General Assembly,
Having debated the question proposed by thirteen Member States in document A/2152,³

Mindful of the necessity of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

Considering that the United Nations, as a centre for harmonizing the actions of nations in the attainment of their common ends under the Charter, should strive towards removing any causes and factors of misunderstanding among Member States, thus reasserting the general principles of co-operation in the maintenance of international peace and security,

¹ Department of State *Bulletin*, Nov. 28, 1955, p. 894. Sultan Mohammed Ben Yousef had been deposed in August 1953 and exiled from Morocco. He returned from exile in October 1955 and was recognized by France again as Sultan on Nov. 5, 1955. He returned to Rabat on Nov. 18 as Sultan Mohammed V.

encies, the Government of France will endeavour to further the effective development of the free institutions of the Tunisian people, in conformity with the Purposes and Principles of the Charter;

2. *Expresses the hope* that the parties will continue negotiations on an urgent basis with a view to bringing about self-government for Tunisians in the light of the relevant provisions of the Charter of the United Nations;

3. *Appeals* to the parties concerned to conduct their relations and settle their disputes in accordance with the spirit of the Charter and to refrain from any acts or measures likely to aggravate the present tension.¹

66. INTERNAL AUTONOMY FOR TUNISIA: Statement by the Secretary of State at a News Conference, August 10, 1955²

It is a source of much satisfaction to the United States that France and Tunisia have agreed upon conventions which provide a new framework for close cooperation between the French and Tunisian communities. It is significant that agreement on these conventions was reached through negotiations on a basis of equality between the parties directly concerned. France and Tunisia may take real satisfaction and pride in the achievement of this agreement.

The manner in which the agreement was reached, the impressive majorities by which both Houses of the French Parliament approved the conventions, and the extensive support they have received in Tunisia indicate a common realization of the need for continued cooperation.

The Franco-Tunisian negotiations demonstrate that mutually satisfactory progress can be made on such difficult problems if they are dealt with in time by the parties concerned with determination, realism and good will.

¹ The General Assembly adopted a resolution on Dec. 17, 1954 (813 (IX)), which noted with satisfaction the negotiations then in progress between the parties concerned, expressed confidence that the negotiations would bring about a satisfactory solution, and decided to postpone for the time being further consideration of this item; *ibid.*, *Ninth Session, Supplement No. 21* (A/2890), p. 5. For statements by the U.S. representative in Committee I on Dec. 16 in favor of the resolution, see Department of State *Bulletin*, Jan. 3, 1955, pp. 30-31. For the U.S. position in October-November 1953 in the United Nations in regard to the Tunisian question, see *United States Participation in the United Nations: Report by the President to the Congress for the Year 1953* (Department of State publication 5459; 1954), pp. 73-74. See also Department of State *Bulletin*, Nov. 23, 1953, p. 730.

² Department of State *Bulletin*, Aug. 22, 1955, p. 301. On June 3, 1955, the French Government and the Tunisian leaders reached an agreement whereby Tunisia was granted internal autonomy. On Aug. 27, 1955, the Bey of Tunis, Si Mohammed el Amin, ratified and sealed the convention restoring internal autonomy to Tunisia, and the documents were exchanged and deposited in Paris on Aug. 31.

*Algeria***7. COMPETENCE OF THE UNITED NATIONS IN RELATION TO THE ALGERIAN QUESTION: Statement by the United States Representative at the United Nations¹ Before the General Assembly, September 30, 1955²**

Mr. President, we believe the Assembly should bear in mind certain relevant factors as it decides whether to inscribe in its agenda the item entitled "The Question of Algeria."

Remembering that a vote on the inscription of an item is without prejudice to the ultimate question of the Assembly's competence, we must nevertheless in this particular case take into account the following:

Unlike Morocco and Tunisia, which are French protectorates, Algeria under French law is administratively an integral part of the French Republic.

We have noted in the explanatory memorandum (Document A/2924) which has been submitted by the members that have proposed the item respecting Algeria that it is stated that "there is an imperative need for negotiations between the Government of France and the true representatives of the Algerian people" and that consideration of the Algerian question by the General Assembly would facilitate a solution by making the need for negotiation evident. We have noted further that reference is made to the right of the people of Algeria to independence as well as to the concern of the international community in a prompt solution of the Algerian problem, a concern to which the French Government is claimed to have failed to respond. Now, Mr. President, this memorandum indicates clearly that what is sought by the sponsors of the item is the sanction of the General Assembly to a course of action intended to bring about fundamental changes in the composition of one of the General Assembly's own members, that is, the French Republic. If it doesn't mean that, it doesn't mean anything.

The United States believes that the proposed item, viewed in the context of this action proposed to be sought in the General Assembly, falls within the provisions of article 2, paragraph 7, of the United Nations Charter.³

Let me say this final word. There is grave danger to the future of the United Nations in taking up questions whose consideration would

pletely clear in our own minds as to just exactly what it is that we are doing.

For these reasons, the United States will vote to support the recommendation of the General Committee that this item not be included in the agenda.

68. INAPPROPRIATENESS OF UNITED NATIONS CONSIDERATION OF THE ALGERIAN QUESTION: United Nations General Assembly Resolution 909 (X), November 25, 1955 ¹

The General Assembly

Decides not to consider further the item entitled "The question of Algeria" and is therefore no longer seized of this item on the agenda of its tenth session.

Libya

69. RECOGNITION OF THE UNITED KINGDOM OF LIBYA Statement by the Department of State, December 24, 1951 ²

The United Kingdom of Libya on December 24 proclaimed its independence pursuant to a United Nations General Assembly resolution of November 21, 1949,³ and the Government of the United States is extending full recognition to the new Government.

The American Consul General at Tripoli, Andrew G. Lynch, informed the Libyan Foreign Minister of the recognition of his Government by the United States and of the elevation of the American Consulate General to the status of legation. Mr. Lynch will serve as chargé d'affaires ad interim until a Minister arrives.

Following is the text of a message from President Truman to King Idris I of Libya on the declaration of the independence of Libya:

The announcement today that all powers have been transferred to the Government of Libya and that Your Majesty, as King, has proclaimed the independence of Libya is a significant fact of historical importance not only to the people of Libya but to the entire community of free nations. The United States of America strongly supported the decision of the General Assembly of the United Nations that Libya should become an independent state. Therefore, it is gratifying to observe the establishment of a Government in Libya in accordance with a con-

achievement and to extend to Your Majesty and to the Libyan people the hand of friendship of the people of the United States of America.

Message from Secretary Acheson to the Foreign Minister of Libya

It was with great satisfaction and pleasure that I received your telegram today announcing the proclamation of Libyan independence. My Government deems it a great privilege to have been associated with United Nations action which assisted the Libyan people in determining a constitution and establishing an independent government. The Government of the United States of America looks forward with pleasure to the establishment of mutually beneficial and friendly relations with the Libyan Government, which it welcomes to its rightful place among the sovereign states of the world. I shall take the first opportunity on behalf of my government, to urge that immediate action be taken to admit Libya to membership in the United Nations. I send my heartiest congratulations to Your Excellency and to members of the Libyan Government and may I ask that you convey to His Majesty, King Idris I, and through him to the people of Libya, an expression of the friendship of the people of the United States of America.

Sudan

70. EGYPTIAN ABROGATION OF CONDOMINIUM IN THE SUDAN: Statement by the Secretary of State, October 10, 1951

The American Embassy in Cairo has confirmed that the Egyptian Prime Minister on October 8 introduced in the Egyptian Chamber of Deputies draft legislation which would abrogate the Anglo-Egyptian treaty of 1936² and the Anglo-Egyptian condominium agreements of 1899,³ which provide for joint Anglo-Egyptian administration of the Sudan.

The parties directly involved are the United Kingdom and Egypt and, in the case of the 1899 agreements, the Sudanese people as well. However, these matters are also of general concern to the free world for they affect the security and defense of the important Middle East area.

None of the agreements in question provides for abrogation. The U.S. Government believes that proper respect for international obligations requires that they be altered by mutual agreement rather than by unilateral action of one of the parties. Furthermore, it should be noted that procedures wholly in accord with such respect for international commitments have already been set in motion.

During past months, new proposals to be offered to Egypt have been

states considers that the new proposals shortly to be presented to the Egyptian Government should serve as a sound basis for an agreement which will not only satisfy the interests of all parties concerned but also contribute to the defense of the free world in which the Middle East plays such an important role.

1. ANGLO-EGYPTIAN AGREEMENT ON THE SUDAN: Note From the Secretary of State to the Foreign Minister of Egypt February 14, 1953¹

The United States is gratified that an agreement on the Sudan has been arrived at by Egypt and the United Kingdom.² This is a truly important occasion. It affords an opportunity for me to express my Government's pleasure at the spirit in which these difficult negotiations were carried out.

My Government trusts that the same spirit of good will and cooperation will characterize the transitional period preceding the decision by the Sudanese people of their future status. The amicable resolution of this long outstanding question goes far toward creating an atmosphere of mutual understanding and trust in the Near East which can only result in great benefits for all the nations of the free world.

My Government continues to follow with interest and sympathy the progressive attitude and energetic efforts of the Government of General Naguib to meet and overcome the internal problems which face the Egyptian people. The United States wishes the Egyptian Government every success in its efforts.

2. UNITED STATES PARTICIPATION IN THE MIXED ELECTORAL COMMISSION FOR THE SUDAN: Statement by the Department of State, March 23, 1953 (Excerpt)³

In reply to requests received from the Governments of Egypt and the United Kingdom, the Government of the United States has agreed to participate on the Mixed Electoral Commission for the Anglo-Egyptian Sudan. Mr. Warwick Perkins, a Foreign Service Career Officer of Class One, has been nominated as United States representative on the Commission. Mr. Perkins departed for Khartoum on March 19, 1953, and has been accorded by the President the personal rank of Minister for the duration of his service on this Commission. The Anglo-Egyptian Agreement of February 12, 1953⁴ on the

towards self-government and self-determination in that country. The election is to be supervised by a Mixed Electoral Commission consisting of representatives of the Sudan, Egypt, India, the United Kingdom and the United States.¹

Ethiopia and Eritrea

3. FEDERATION OF ETHIOPIA AND ERITREA: United Nations General Assembly Resolution 617 (VII), December 17, 1952²

The General Assembly,

Recalling its resolution 390 A (V) of 2 December 1950,³ providing that Eritrea be constituted an autonomous unit federated with Ethiopia under the sovereignty of the Ethiopian Crown,

Having noted the adoption and ratification of the Eritrean Constitution and the ratification of the Federal Act embodying the provisions contained in paragraphs 1-7 inclusive of that resolution,

Having noted that the conditions laid down in paragraph 13 of resolution 390 A (V) of 2 December 1950 have been fulfilled, and that on 1 September 1952 the Federation of Eritrea with Ethiopia was proclaimed,

Noting further the final report of the United Nations Commission on Eritrea of 17 October 1952⁴ and the report of the Administering Authority of 27 October 1952,⁵

Noting with appreciation the part played by the United Nations Commissioner and the former Administering Authority in Eritrea in preparing Eritrea to take its place in the Federation,

Noting also with satisfaction the contribution made by Ethiopia to the establishment of the Federation and Ethiopia's expression of determination scrupulously to execute the provisions of the Federal Act

1. *Welcomes* the establishment of the Federation of Eritrea with Ethiopia under the sovereignty of the Ethiopian Crown;

¹ The Parliamentary elections were held in November 1953. On Dec. 3, 1953, the United Kingdom and Egypt agreed to the holding of the "self-determination" plebiscite provided in the agreement of Feb. 12, 1953. On Dec. 19, 1955, the Sudanese House of Representatives by unanimous resolution declared Sudan an independent state. Three days later the Senate concurred. On Jan. 1, 1956 the

2. *Congratulates* the people and governmental authorities of the Federation for their effective and loyal fulfilment of resolution 390 (V) of the General Assembly of 2 December 1950.

Gold Coast (Ghana) and Nigeria

4. SELF-GOVERNMENT IN THE GOLD COAST (GHANA) AND NIGERIA: Senate Joint Resolution 183 (83d Congress, 2d Session) August 27, 1954¹

Whereas it is the policy of the United States to encourage effort toward independence and self-government truly expressive of the desires of the people and as they show their capability to establish and protect free institutions; and

Whereas the continent of Africa is a vital part of the free world area; and

Whereas a revised constitution of the Gold Coast was approved on April 29, 1954, and the first formal meeting of the legislature of that territory under this constitution will take place on July 29, 1954; and

Whereas a revised constitution of Nigeria is expected to be approved during August 1954, and the first meeting of the federal legislature of that territory under this constitution is expected to take place shortly thereafter; and

Whereas these occasions mark important milestones in their progress toward self-government and independence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States extend its most cordial greetings to the representative bodies of the Gold Coast and Nigeria on the occasion of the first meeting of their legislatures under the revised constitutions, in recognition of the democratic ideals shared by the United States and those territories, and in reaffirmation of the friendship of the United States for the peoples of Africa; and be it further

Resolved, That the Secretary of State is hereby requested to appoint a United States delegation at the appropriate time to represent the United States at ceremonies marking the achievement of complete self-government for these territories.

¹ 68 Stat. 865. See also Department of State *Bulletin*, Jan. 10, 1955, pp. 67-68.

75. TREATMENT OF PEOPLE OF INDIAN ORIGIN IN THE UNION OF SOUTH AFRICA: United Nations General Assembly Resolution 615 (VII), December 5, 1952¹

The General Assembly,

Recalling its resolutions 44 (I),² 265 (III),³ 395 (V)⁴ and 511 (VI)⁵ relating to the treatment of people of Indian origin in the Union of South Africa,

Noting that the Government of the Union of South Africa has expressed its inability to accept General Assembly resolution 511 (VI) in respect of the resumption of negotiations with the Governments of India and Pakistan,

Noting further that the Government of the Union of South Africa has continued to enforce the Group Areas Act in contravention of the terms of General Assembly resolutions 511 (VI) and 395 (V),

1. *Establishes* a United Nations Good Offices Commission consisting of three members to be nominated by the President of the General Assembly, with a view to arranging and assisting in negotiation between the Government of the Union of South Africa and the Governments of India and Pakistan in order that a satisfactory solution of the question in accordance with the Purposes and Principles of the Charter and the Universal Declaration of Human Rights may be achieved;

2. *Requests* the Good Offices Commission to report to the General Assembly at its eighth session;

3. *Requests* the Secretary-General to provide the members of the Commission with the necessary staff and facilities;

4. *Calls upon* the Government of the Union of South Africa to suspend the implementation or enforcement of the provisions of the Group Areas Act, pending the conclusion of the negotiations referred to in paragraph 1 above;

¹ U.N. General Assembly, *Official Records, Seventh Session, Supplement No. 2* (A/2361), p. 8.

² Resolution of Dec. 8, 1946; *ibid.*, *First Session, Second Part, Resolution* (A/64/Add. 1), p. 69.

³ Resolution of May 14, 1949; *ibid.*, *Third Session, Part II, Resolutions* (A/900 p. 6).

⁴ Resolution of Dec. 2, 1950; *ibid.*, *Fifth Session, Supplement No. 20* (A/1775 p. 24).

⁵ Resolution of Jan. 12, 1952; *ibid.*, *Sixth Session, Supplement No. 20* (A/2119 p. 11).

⁶ General Assembly Res. 217 (III) of Dec. 10, 1948; *A Decade of American Foreign Policy*, pp. 1156-1159.

5. *Decides* to include the item in the provisional agenda of the eighth session of the General Assembly.¹

76. POLICIES OF *APARTHEID* IN THE UNION OF SOUTH AFRICA: United Nations General Assembly Resolution 917 (X) December 6, 1955²

The General Assembly,

Recalling its previous resolutions³ on the question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Union of South Africa,

Recalling section E of resolution 377 A (V) of 3 November 1950 in which it expressed its conviction that a genuine and lasting peace depends also upon the observance of all the principles and purposes established in the Charter of the United Nations, upon the implementation of the resolutions of the General Assembly and other principal organs of the United Nations intended to achieve the maintenance of international peace and security and especially upon

¹ The General Assembly adopted further resolutions concerning this question: (a) Res. 719 (VIII), Nov. 11, 1953; *ibid.*, *Fifth Session, Supplement No. 1* (A/2630), pp. 5-6. In connection with the consideration of the draft resolution in the *Ad Hoc* Political Committee, the U.S. representative stated, in part, the following: "My delegation believes the basic task of the Assembly here is to bring about direct discussion between the parties. . . . My delegation believes that, before the governments concerned have made further efforts to resume direct discussions, the General Assembly should not recommend particular measures or solutions—solutions of the problem which the parties, first of all, must face" (Department of State *Bulletin*, Nov. 23, 1953, pp. 729-730).

(b) Res. 816 (IX), Nov. 4, 1954; U.N. General Assembly, *Official Records, Ninth Session, Supplement No. 21* (A/2890), pp. 7-8. For the U.S. position on the draft resolution, see Department of State *Bulletin*, Nov. 22, 1954, pp. 783-784. The U.S. representative stated in part: "The United States will vote in favor of the resolution as a whole, since we are in full agreement with its conciliatory nature and in particular the objective of direct negotiations between the parties which it seeks to bring about. Our belief is that progress can only come to the extent that the parties are willing to confer and to negotiate" (*ibid.*, p. 786).

(c) Res. 919 (X), Dec. 14, 1955; U.N. General Assembly, *Official Records, Tenth Session, Supplement No. 19* (A/3116), p. 8. The resolution noted that the negotiations envisaged in Res. 816 (IX) had not been pursued; urged the parties concerned to pursue negotiations with a view to bringing about a settlement of the question; and invited the parties to report at the next session of the General Assembly.

² U.N. General Assembly, *Official Records, Tenth Session, Supplement No. 1* (A/3116), p. 8.

³ Res. 616 (VII), Dec. 5, 1952 (*ibid.*, *Fourth Session, Supplement No.*

respect for and observance of human rights and fundamental freedoms for all,

Reiterating its resolutions 103 (I) of 19 November 1946¹ and 616 (VII) of 5 December 1952 in which the General Assembly has declared, *inter alia*, that it is in the higher interests of humanity to put an immediate end to religious and so-called racial persecution and discrimination, and that governmental policies which are designed to perpetuate or increase discrimination are inconsistent with the pledges of the Members under Article 56 of the Charter,

Noting that the United Nations Commission on the Racial Situation in the Union of South Africa has now submitted its third report

1. *Commends* the United Nations Commission on the Racial Situation in the Union of South Africa for its constructive work;

2. *Notes with regret* that the Government of the Union of South Africa again refused to co-operate with the Commission;

3. *Recommends* the Government of the Union of South Africa to take note of the Commission's report;

4. *Expresses its concern* at the fact that the Government of the Union of South Africa continues to give effect to the policies of *apartheid*, notwithstanding the request made to it by the General Assembly to reconsider its position in the light of the high principles contained in the Charter and taking into account the pledge of all Member States to promote respect for human rights and fundamental freedoms without distinction as to race;

5. *Reminds* the Government of the Union of South Africa of the faith it had reaffirmed, in signing the Charter, in fundamental human rights and in the dignity and worth of the human person;

6. *Calls on* the Government of the Union of South Africa to observe the obligations contained in Article 56 of the Charter.

¹ U.N. doc. A/64/Add.1, Jan. 31, 1947, p. 200.

² U.N. doc. A/2953 (1955). The Commission was established by Res. 61 (VII), cited above.

Part XIV

THE FAR EAST AND SOUTHEAST ASIA

A. *THE BASIC POSITION OF THE UNITED STATES*

1. REVIEW OF THE POSITION AS OF 1950: Address by the Secretary of State, January 12, 1950 ¹

FOUNDATIONS OF POLICY

This afternoon I should like to discuss with you the relations between the peoples of the United States and the peoples of Asia and I used the words "relations of the peoples of the United States and the peoples of Asia" advisedly. I am not talking about governments or nations because it seems to me what I want to discuss with you is this feeling of mine that the relations depend upon the attitudes of the people; that there are fundamental attitudes, fundamental interests, fundamental purposes of the people of the United States, 150 million of them, and of the peoples of Asia, unnumbered millions, which determine and out of which grow the relations of our countries and the policies of our governments. Out of these attitudes and interests and purposes grow what we do from day to day.

Now, let's dispose of one idea right at the start and not bother with it any more. That is that the policies of the United States are determined out of abstract principles in the Department of State or in the White House or in the Congress. That is not the case. If these policies are going to be good, they must grow out of the fundamental attitudes of our people on both sides. If they are to be effective, they must become articulate through all the institutions of our national life, of which this is one of the greatest—through the press, through the radio, through the churches, through the labor unions, through the business organizations, through all the groupings of our national life. There must become articulate the attitudes of our people and the

to understand before we announce what we are going to do, and that is a proposition so heretical in this town that I advance it with some hesitation.

Now, let's consider some of the basic factors which go into the making of the attitudes of the peoples on both sides. I am frequently asked: Has the State Department got an Asian policy? And it seems to me that that discloses such a depth of ignorance that it is very hard to begin to deal with it. The peoples of Asia are so incredibly diverse and their problems are so incredibly diverse that how could anyone, even the most utter charlatan believe that he had a uniform policy which would deal with all of them. On the other hand, there are very important similarities in ideas and in problems among the peoples of Asia and so what we come to, after we understand these diversities and these common attitudes of mind, is the fact that there must be certain similarities of approach, and there must be very great dissimilarities in action.

To illustrate this only a moment: If you will consider as an example of the differences in Asia the subcontinent of India and Pakistan, you will find there an area which is roughly comparable in size and population to Europe. You will find that the different states and provinces of that subcontinent are roughly comparable in size to the nations of Europe and yet you will find such differences in race, in ideas, in languages, and religion, and culture, that compared to that subcontinent, Europe is almost one homogeneous people.

Or take the difference, for instance, between the people and problems of Japan and Indonesia, both in the same Asian area. In Japan, you have a people far advanced in the complexities of industrial civilization, a people whose problems grow out of overpopulation on small islands and the necessity of finding raw materials to bring in and finding markets for the finished goods which they produce. In Indonesia, you find something wholly different—a people on the very threshold of their experience with these complexities and a people who live in an area which possesses vast resources which are awaiting development. Now, those are illustrations of complexities.

EMERGING INDEPENDENCE

Let's come now to the matters which Asia has in common. There is in this vast area what we might call a developing Asian consciousness, and a developing pattern, and this, I think, is based upon two factors which are pretty nearly common to the entire experience of all these Asian people.

One of these factors is a revulsion against the acceptance of misery and poverty as the normal condition of life. Throughout all of this

in Asia tend to fuse in the minds of many Asian peoples and many of them tend to believe that if you could get rid of foreign domination, if you could gain independence, then the relief from poverty and misery would follow almost in course. It is easy to point out that that is not true, and of course they are discovering that it is not true. But underneath that belief there was a very profound understanding of a basic truth and it is the basic truth which underlies all our democratic belief and all our democratic concept. That truth is that just as no man and no government is wise enough or disinterested enough to direct the thinking and the action of another individual, so no nation and no people are wise enough and disinterested enough very long to assume the responsibility for another people or to control another people's opportunities.

That great truth they have sensed, and on that great truth they are acting. They say and they believe that from now on they are on their own. They will make their own decisions. They will attempt to better their own lot, and on occasion they will make their own mistakes. But it will be their mistakes, and they are not going to have their mistakes dictated to them by anybody else.

The symbol of these concepts has become nationalism. National independence has become the symbol both of freedom from foreign domination and freedom from the tyranny of poverty and misery.

Since the end of the war in Asia, we have seen over 500 million people gain their independence and over seven new nations come into existence in this area.

We have the Philippines with 20 million citizens. We have Pakistan, India, Ceylon, and Burma with 400 million citizens, southern Korea with 20 million, and within the last few weeks, the United States of Indonesia with 75 million.¹

This is the outward and visible sign of the internal ferment of Asia. But this ferment and change is not restricted to these countries which are just gaining their independence. It is the common idea and the common pattern of Asia, and as I tried to suggest a moment ago, it is not based on purely political conceptions. It is not based purely on ideological conceptions. It is based on a fundamental and an earthly and a deeply individual realization of the problems of their own daily lives. This new sense of nationalism means that they are going to deal with those daily problems—the problems of the relation of man to the soil, the problem of how much can be exacted from them by the tax collectors of the state. It is rooted in those ideas. With those ideas they are going forward. Resignation is no longer the typical emotion of Asia. It has given way to hope, to a sense of effort and in many cases, to a real sense of anger.

RECENT DEVELOPMENTS IN CHINA

Now, may I suggest to you that much of the bewilderment which has seized the minds of many of us about recent developments in China comes from a failure to understand this basic revolutionary force which is loose in Asia. The reasons for the fall of the Nationalist Government in China are preoccupying many people. All sorts of reasons have been attributed to it. Most commonly, it is said in various speeches and publications that it is the result of American bungling, that we are incompetent, that we did not understand, that American aid was too little, that we did the wrong things at the wrong time. Other people go on and say: "No, it is not quite that, but that an American general did not like Chiang Kai-shek and out of all that relationship grows the real trouble." And they say: "Well you have to add to that there are a lot of women fooling around in politics in China."

Nobody, I think, says that the Nationalist Government fell because it was confronted by overwhelming military force which it could not resist. Certainly no one in his right mind suggests that. Now, what I ask you to do is to stop looking for a moment under the bed and under the chair and under the rug to find out these reasons, but rather to look at the broad picture and see whether something doesn't suggest itself.

The broad picture is that after the war, Chiang Kai-shek emerged as the undisputed leader of the Chinese people. Only one faction, the Communists, up in the hills, ill-equipped, ragged, a very small military force, was determinedly opposed to his position. He had overwhelming military power, greater military power than any ruler had ever had in the entire history of China. He had tremendous economic and military support and backing from the United States. He had the acceptance of all other foreign countries, whether sincerely or insincerely in the case of the Soviet Union is not really material to this matter. Here he was in this position, and 4 years later what do we find? We find that his armies have melted away. His support in the country has melted away. His support largely outside the country has melted away, and he is a refugee on a small island off the coast of China with the remnants of his forces.

As I said, no one says that vast armies moved out of the hills and defeated him. To attribute this to the inadequacy of American aid is only to point out the depth and power of the forces which were miscalculated or ignored. What has happened in my judgment is that the almost inexhaustible patience of the Chinese people in their misery ended. They did not bother to overthrow this government

tence ever experienced by any military command was this total lack of support both in the armies and in the country, and so the whole matter just simply disintegrated.

The Communists did not create this. The Communists did not create this condition. They did not create this revolutionary spirit. They did not create a great force which moved out from under Chiang Kai-shek. But they were shrewd and cunning to mount it, to ride this thing into victory and into power.

That, I suggest to you, is an explanation which has certain roots in realism and which does not require all this examination of intricate and perhaps irrelevant details. So much for the attitudes of the peoples of Asia.

U.S. ATTITUDE TOWARD ASIA

Let's consider for a moment another important factor in this relationship. That is the attitude of our own people to Asia. What is that fundamental attitude out of which our policy has grown? What is the history of it? Because history is very important, and history furnishes the belief on the one side in the reality and truth of the attitude.

What has our attitude been toward the peoples of Asia? It has been, I submit to you, that we are interested—that Americans and individuals are interested in the peoples of Asia. We are not interested in them as pawns or as subjects for exploitation but just as people.

For 100 years some Americans have gone to Asia to bring in what they thought was the most valuable thing they had—their faith. They wanted to tell them what they thought about the nature and relationship of man to God. Others went to them to bring to them what they knew of learning. Others went to them to bring them healing for their bodies. Others and perhaps fewer went to them to learn the depth and beauty of their own cultures, and some went to them to trade and they traded with them. But this trade was a very small part of American interest in the Far East, and it was a very small part of American interest in trade. It was a valid interest; it was a good interest. There was nothing wrong about it, but out of the total sum of the interests of the American people in Asia, it was a comparatively small part.

Through all this period of time also, we had, and still have, great interests in Asia. But let me point out to you one very important factor about our interests in Asia. That is that our interests have been parallel to the interests of the people of Asia. For 50 years it has been the fundamental belief of the American people—and I am

of the announcement of the open door policy ¹ through the 9-power treaty ² to the very latest resolution of the General Assembly of the United Nations,³ we have stated that principle and we believe it. And similarly in all the rest of Asia—in the Philippines, in India, in Pakistan and Indonesia, and in Korea—for years and years and years, the interests of Americans throughout this country have been in favor of their independence. This is where their independence societies, and their patriotic groups have come for funds and sympathy. The whole policy of our government insofar as we have responsibility in the Philippines was to bring about the accomplishment of their independence and our sympathy and help. The very real help which we have given other nations in Asia has been in that direction, and it is still in that direction.

THE FACTOR OF COMMUNISM

Now, I stress this, which you may think is a platitude, because of a very important fact: I hear almost every day someone say that the real interest of the United States is to stop the spread of communism. Nothing seems to me to put the cart before the horse more completely than that. Of course we are interested in stopping the spread of communism. But we are interested for a far deeper reason than any conflict between the Soviet Union and the United States. We are interested in stopping the spread of communism because communism is a doctrine that we don't happen to like. Communism is the most subtle instrument of Soviet foreign policy that has ever been devised, and it is really the spearhead of Russian imperialism which would, if it could, take from these people what they have won, what we want them to keep and develop, which is their own national independence, their own individual independence, their own development of their own resources for their own good and not as mere tributary states to this great Soviet Union.

Now, it is fortunate that this point that I made does not represent any real conflict. It is an important point because people will do more damage and create more misrepresentation in the Far East by saying our interest is merely to stop the spread of communism than any other way. Our real interest is in those people as people. It is because communism is hostile to that interest that we want to stop it. But it happens that the best way of doing both things is to do just exactly what the peoples of Asia want to do and what we want to help them to do, which is to develop a soundness of administration of these new governments and to develop their resources and their technical skills so that they are not subject to penetration either

about the best way that anyone knows of stopping this spread of communism.

It is important to take this attitude not as a mere negative reaction to communism but as the most positive affirmation of the most affirmative truth that we hold, which is in the dignity and right of every nation, of every people, and of every individual to develop in their own way, making their own mistakes, reaching their own triumphs but acting under their own responsibility. That is what we are pressing for in the Far East, and that is what we must affirm and not get mixed up with purely negative and inconsequential statements.

SOVIET ATTITUDE

Now, let me come to another underlying and important factor which determines our relations and, in turn, our policy with the peoples of Asia. That is the attitude of the Soviet Union toward Asia, and particularly towards those parts of Asia which are contiguous to the Soviet Union, and with great particularity this afternoon, to north China.

The attitude and interest of the Russians in north China, and in these other areas as well, long antedates communism. This is not something that has come out of communism at all. It long antedates it. But the Communist regime has added new methods, new skills and new concepts to the thrust of Russian imperialism. This [These] Communistic concept[s] and techniques have armed Russian imperialism with a new and most insidious weapon of penetration. Armed with these new powers, what is happening in China is that the Soviet Union is detaching the northern provinces [areas] of China from China and is attaching them to the Soviet Union. This process is complete in Outer Mongolia. It is nearly complete in Manchuria and I am sure that in inner Mongolia and in Sinkiang there are very happy reports coming from Soviet agents to Moscow. This is what is going on. It is the detachment of these whole areas, vast areas populated by Chinese—the detachment of these areas from China and their attachment to the Soviet Union.

I wish to state this and perhaps sin against my doctrine of non-dogmatism, but I should like to suggest at any rate that this fact that the Soviet Union is taking the four northern provinces of China is the single most significant, most important fact, in the relation of any foreign power with Asia.¹

TWO RULES OF U.S. POLICY

of propaganda will not be able to obscure it. The only thing that can obscure it is the folly of ill-conceived adventures on our part which easily could do so, and I urge all who are thinking about these foolish adventures to remember that we must not seize the unenviable position which the Russians have carved out for themselves. We must not undertake to deflect from the Russians to ourselves the righteous anger, and the wrath, and the hatred of the Chinese people which must develop. It would be folly to deflect it to ourselves. We must take the position we have always taken—that anyone who violates the integrity of China is the enemy of China and is acting contrary to our own interest. That, I suggest to you this afternoon is the first and the greatest rule in regard to the formulation of American policy toward Asia.

I suggest that the second rule is very like the first. That is to keep our own purposes perfectly straight, perfectly pure, and perfectly aboveboard and do not get them mixed-up with legal quibbles or the attempt to do one thing and really achieve another.

The consequences of this Russian attitude and this Russian action in China are perfectly enormous. They are saddling all those in China who are proclaiming their loyalty to Moscow, and who are allowing themselves to be used as puppets of Moscow, with the most awful responsibility which they must pay for. Furthermore, these actions of the Russians are making plainer than any speech, or any utterance, or any legislation can make throughout all of Asia, what the true purposes of the Soviet Union are and what the true function of communism as an agent of Russian imperialism is. These I suggest to you are the fundamental factors, fundamental realities of attitude out of which our relations and policies must grow.

MILITARY SECURITY IN THE PACIFIC

Now, let's in the light of that consider some of these policies. First of all, let's deal with the question of military security. I deal with it first because it is important and because, having stated our policy in that regard, we must clearly understand that the military menace is not the most immediate.

What is the situation in regard to the military security of the Pacific area, and what is our policy in regard to it?

In the first place, the defeat and the disarmament of Japan has placed upon the United States the necessity of assuming the military defense of Japan so long as that is required, both in the interest of our security and in the interests of the security of the entire Pacific area and, in all honor, in the interest of Japanese security. We have

the Ryukyu Islands, and those we will continue to hold. In the interest of the population of the Ryukyu Islands, we will at an appropriate time offer to hold these islands under trusteeship of the United Nations. But they are essential parts of the defensive perimeter of the Pacific, and they must and will be held.

The defensive perimeter runs from the Ryukyus to the Philippines and the Japanese Islands. Our relations, our defensive relations with the Philippines are contained in agreements between us.¹ Those agreements are being loyally carried out and will be loyally carried out. Both peoples have learned by bitter experience the vital connections between our mutual defense requirements. We are in no doubt about that, and it is hardly necessary for me to say an attack on the Philippines would not and would not be tolerated by the United States. But I hasten to add that no one perceives the imminence of any such attack.

So far as the military security of other areas in the Pacific is concerned, it must be clear that no person can guarantee these areas against military attack. But it must also be clear that such a guarantee is hardly sensible or necessary within the realm of practical relationships. Should such an attack occur—one hesitates to say where such an armed attack could come from—the initial reliance must be on the people attacked to resist it and then upon the commitments of the entire civilized world under the Charter of the United Nations which so far has not proved a weak reed to lean on by any people who are determined to protect their independence against outside aggression. But it is a mistake, I think, in considering Pacific and Far Eastern problems to become obsessed with military considerations. Important as they are, there are other problems that press, and these other problems are not capable of solution through military means. The other problems arise out of the susceptibility of many areas, and many countries in the Pacific area, to subversion and penetration. That cannot be stopped by military means.

SUSCEPTIBILITY TO PENETRATION

The susceptibility to penetration arises because in many areas there are new governments which have little experience in government administration and have not become firmly established or perhaps not firmly accepted in their countries. They grow, in part, from very serious economic problems, some of them growing out directly from the last war, others growing indirectly out of the last war because of the disruptions of trade with other parts of the world, with the disruption of arrangements which furnished credit and management.

cerned. In part this susceptibility to penetration comes from the great social upheaval about which I have been speaking, an upheaval which was carried on and confused a great deal by the Japanese occupation and by the propaganda which has gone on from Soviet sources since the war.

Here, then, are the problems in these other areas which require some policy on our part, and I should like to point out two facts to you and then discuss in more detail some of these areas.

The first fact is the great difference between our responsibility and our opportunities in the northern part of the Pacific area and in the southern part of the Pacific area. In the north, we have direct responsibility in Japan and we have direct opportunity to act. The same thing to a lesser degree is true in Korea. There we had direct responsibility, and there we did act, and there we have a greater opportunity to be effective than we have in the more southerly part.

In the southerly part of the area, we are one of many nations who can do no more than help. The direct responsibility lies with the peoples concerned. They are proud of their new national responsibility. You can not sit around in Washington, or London, or Paris or The Hague, and determine what the policies are going to be in those areas. You can be willing to help, and you can help only when the conditions are right for help to be effective.

LIMITATIONS OF U.S. ASSISTANCE

That leads me to the other thing that I wanted to point out, and that is the limitation of effective American assistance. American assistance can be effective when it is the missing component in a situation which might otherwise be solved. The United States cannot furnish all these components to solve the question. It can not furnish determination, it can not furnish the will, and it can not furnish the loyalty of a people to its government. But if the will and if the determination exists and if the people are behind their government, then and not always then, is there a very good chance. In that situation American help can be effective and it can lead to an accomplishment which could not otherwise be achieved.

Japan.—Now, with that statement, let's deal very briefly—because the time is going on and I am almost equaling my performance in the Senate and House—let's deal very briefly with some of the problems. Let's take the situation in Japan for a moment. There are three great factors to be faced. The security matter I have dealt with. Aside from that, there are the economic questions and the political questions. In the political field, General MacArthur has been very successful

produced difficulties. The willingness of other countries to receive Japanese goods has very much contracted since the war.

Difficulties of currency have added to those problems. But those matters have got to be faced and have got to be solved. Whether they are solved under a treaty or if the procedural difficulties of that are too great under some other mechanism, they must be solved along lines which permit the Japanese greater freedom—complete freedom if possible—to buy what they need in the world and to sell what they have to offer on the mainland of Asia, in southeast Asia, and in other parts of the world. That is the nature of the problem and it is a very tough one. It is one on which the occupation authorities, the Japanese government, ourselves, and others are working. There can be no magic solution to it.

Korea.—In Korea, we have taken great steps which have ended our military occupation, and in cooperation with the United Nations have established an independent and sovereign country recognized by nearly all the rest of the world.¹ We have given that nation great help in getting itself established. We are asking the Congress to continue that help until it is firmly established, and that legislation is now pending before the Congress.² The idea that we should scrap all of that, that we should stop half way through the achievement of the establishment of this country, seems to me to be the most utter defeatism and utter madness in our interests in Asia. But there our responsibilities are more direct and our opportunities more clear. When you move to the south, you find that our opportunity is much slighter and that our responsibilities, except in the Philippines and there indirectly, are very small. Those problems are very confusing.

Philippines.—In the Philippines, we acted with vigor and speed to set up an independent sovereign nation which we have done.³ We have given the Philippines a billion dollars of direct economic aid since the war. We have spent another billion dollars in such matters as veterans' benefits and other payments in the Philippines. Much of that money has not been used as wisely as we wish it had been used but here again, we come up against the matter of responsibility. It is the Philippine Government which is responsible. It is the Philippine Government which must make its own mistakes. What we can do is advise and urge, and if help continues to be misused, to stop giving the help. We cannot direct, we should not direct, we have not the slightest desire to direct. I believe that there are indications that the Philippines may be facing serious economic difficulties. With energetic, determined action, they can perhaps be avoided or certainly minimized. Whether that will be true or not

I can not say, but it does not rest within the power of the American Government to determine that. We are always ready to help and to advise. That is all we can and all we should do.

Asia.—Elsewhere in southeast Asia, the limits of what we can do are to help where we are wanted. We are organizing the machinery through which we can make effective help possible. The western powers are all interested. We all know the techniques. We have all had experiences which can be useful to those governments which are newly starting out if they want it. It cannot be useful if they don't want it. We know techniques of administration. We know techniques of organizing school districts, and road districts, and taxation districts. We know agricultural and industrial techniques all of which can be helpful, and those we are preparing to make available if they are wanted, where they are wanted, and under circumstances where they have a fighting chance to be successful. We will not do these things for the mere purpose of being active. They will not be done for the mere purpose of running around and doing good, but for the purpose of moving in where we are wanted to a situation where we have the missing component which, if put into the rest of the picture, will spell success.

The situation in the different countries of southeast Asia is difficult. It is highly confused in Burma where five different factions have utterly disrupted the immediate government of the country. Progress is being made in Indochina where the French, although moving slowly, are moving. There are noticeable signs of progress in transferring responsibility to a local administration and getting the adherence of the population to this local administration. We hope that the situation will be such that the French can make further progress and make it quickly, but I know full well the difficulties which are faced by the Foreign Minister of France and my admiration and respect for him are so great that I would not want one word I say to add a feather to the burden that he carries.

In Malaya, the British have and are discharging their responsibility harmoniously with the people of Malaya and are making progress.

Indonesia.—In Indonesia, a great success has been achieved within the last few weeks and over a period of months. The round table conferences at The Hague in which great statesmanship and restraint were displayed, both on the Dutch and the Indonesian side, have resulted in this new government being formed.¹ Relations of this government with the Dutch will be very good, and the Dutch can furnish them great help and advice, and we will be willing to stand by to give whatever help we can rightly and profitably give. That situation is one which is full of encouragement although it is full of

Kashmir, and to the utter difficulties—economic difficulties growing out of the differences in devaluation, settlement of monetary plans back and forth, et cetera. We know that they have assured one another, and they have assured the world, that as stubborn as these difficulties may be and difficult as they may be of solution, they are not going to resort to war to solve them. We are glad to hear those assurances and the whole world is glad to hear it, but we know also that the problems are in such a situation and in such an area that they are most inflammable, and we believe that in addition to these most desirable assurances there should be some accommodation of wills to bring about a result as soon as possible.

In India and in Pakistan we are willing to be of such help as we can give. Again, the responsibility is not ours. Again we can only be helpful friends. Again the responsibility lies with people who have won their freedom and who are very proud of it.

THE NEW DAY FOR ASIA

So after this survey, what we conclude, I believe, is that there is a new day which has dawned in Asia. It is a day in which the Asian peoples are on their own, and know it, and intend to continue on their own. It is a day in which the old relationships between east and west are gone, relationships which at their worst were exploitation, and which at their best were paternalism. That relationship is over, and the relationship of east and west must now be in the Far East one of mutual respect and mutual helpfulness. We are their friends. Others are their friends. We and those others are willing to help, but we can help only where we are wanted and only where the conditions of help are really sensible and possible. So what we can see is that this new day in Asia, this new day which is dawning, may go on to a glorious noon or it may darken and it may drizzle out. But the decision lies within the countries of Asia and within the power of the Asian people. It is not a decision which a friend or even an enemy from the outside can decide for them.

2. REVIEW OF THE POSITION AS OF 1955: Address by the Secretary of State, February 16, 1955 (Excerpts)¹

FAR EAST SECURITY TREATIES

In the Far East the United States has responded to the desire

China, Australia and New Zealand.¹ Also we have joined the eight-power Manila Pact for the security of Southeast Asia.²

The total of these treaties is a mutual security system which, starting from the Aleutian Islands in the North, runs in a great arc to the South Pacific. This constitutes a defensive bulwark for freedom in that part of the world.

What has thus been done by many nations is important. Also important is the manner in which the United States has played its part, particularly during recent days.

When the Congress convened last January, it was organized by the Democratic Party. So when the Manila Pact and the China treaty were submitted, they were submitted by a Republican President to a Democrat-controlled body. The same was true of President Eisenhower's request for Congressional authority to use the armed forces of the United States in the Formosa area.³

Nevertheless, the two treaties were ratified and the Congressional authority was granted. This was done promptly and with virtual unanimity.⁴

These events demonstrate a national unity and capacity of action which is needed in the world today. Too often representative processes lead to such partisanship and such consequent delays that hostile forces are encouraged to believe that democracies are inherently ineffective. The Government of the United States has shown the contrary. Partisanship was wholly subordinated to the national good so that action of great importance could be taken with deliberation but with decisiveness.

For this the nation can be grateful to the leadership and to the general membership of both parties in the Congress. I know that they would expect me to pay special tribute to Walter F. George, who, as Chairman of the Senate Foreign Relations Committee, carried the heaviest aggregate burden of responsibility in relation to the three acts to which I refer.

We can all take pride, as Americans, in this demonstration of national unity and capacity. Because of it, free men throughout the world can face the future with better hope and new confidence.

MUTUAL DEFENSE TREATY WITH CHINA

Let me turn now to deal with some of the substantive problems which arise out of the two Far Eastern treaties to which I have referred—the China treaty and the Manila Pact.

The United States is firmly committed to the defense of Formosa and

in 1895.¹ They continued as such for half a century, until they were relinquished by Japan as a result of her defeat in war²—a defeat principally wrought by the efforts and sacrifices of the United States.

These islands form an important part of the Western Pacific defense system which I have described. The people of the islands eagerly seek our help.

Thus Formosa and the Pescadores have been properly a matter of concern to the United States.

In 1945 our long-time ally, the Republic of China, was entrusted with authority over these islands.³ In 1950, when the aggression against Korea occurred, President Truman ordered our Pacific fleet to defend Formosa against possible Chinese Communist attack.⁴ Now that determination has been converted into our Mutual Defense Treaty with the Republic of China.

It is important to note that the treaty, except as it relates to United States territories, covers only the islands of Formosa and the Pescadores, and an armed attack directed against those islands. The Congressional authority is to secure and protect Formosa and the Pescadores against armed attack, and to make secure and to protect "related positions and territories" as the President judges "this would be required or appropriate in assuring the defense of Formosa and the Pescadores."

The President did not use our armed forces to help the Chinese Nationalists to hold the Tachen Islands and Yushan and Pishan,⁵ lying some 200 miles north of Formosa. These islands were virtually unrelated to the defense of Formosa and the Pescadores. We helped the Chinese Nationalists to evacuate these islands and regroup their forces, so as to avoid a bloody and wasteful battle which would have inflamed public emotions. Thus, Nationalist China and the United States have made an important contribution to the cause of peace.

It has been suggested that Nationalist China should go further and surrender to the Chinese Communists the coastal positions which the Communists need to stage their announced attack on Formosa. It is doubtful that this would serve either the cause of peace or the cause of freedom.

The Chinese Communists have been the initiators of violence in this area. They have already formally declared their intention to take Formosa by force. If the Chinese Nationalists now oblige by making it easier for the Chinese Communists to conquer Formosa, will they be less apt to do so? I doubt it.

The United States has no commitment and no purpose to defend the coastal positions *as such*. The basic purpose is to assure that Formosa

Communists. However, Foreign Minister Chou says they will use all their force to take Formosa and they treat the coastal islands as means to that end. When the Nationalists voluntarily evacuated the Tachen islands, the Chinese Communists' comment was: "The liberation of these islands has created favorable conditions for our People's Liberation Army in the liberation of Formosa."

Thus the Chinese Communists have linked the coastal positions to the defense of Formosa. That is the fact which, as President Eisenhower said in his message to Congress about Formosa, "compels us to take into account closely related localities." Accordingly, we shall be alert to subsequent Chinese Communist actions, rejecting for ourselves any initiative of warlike deeds.

It is hardly to be expected that the Chinese Communists will renounce their ambitions. However, might they not renounce their efforts to realize their goals by force?

Such renunciation of force is one of the basic principles of the United Nations, and the United States had hoped, and still hopes, that the United Nations may be able to effect a cessation of the present hostilities. President Eisenhower, in his message to Congress dealing with this matter, made clear that the United States would welcome action by the United Nations which might bring an end to the active hostilities in the area.¹ The Government of New Zealand has brought this situation before the Security Council,² and the United States in the interest of peace, went to the length of voting to invite the Chinese Communists to come to the Security Council to discuss the matter.³

In 1950, the Chinese Communists had accepted a Security Council invitation in relation to Korea.⁴ However, this time the Chinese Communists contemptuously rejected the invitation.⁵

We sincerely hope that this decision of the Chinese Communists is not irrevocable and that they will abide by the principles of the United Nations rather than challenge by force the defensive obligations of this country. In any event, we believe that their attitude toward the United Nations Security Council has not ended the responsibility of that body which, by the Charter, has the "primary responsibility for the maintenance of international peace and security."

It should not, moreover, be carelessly assumed that peace and security will be promoted merely by the non-Communist nations indefinitely granting one-sided concessions to the Communist nations

¹ President Eisenhower's message to Congress of Jan. 24, 1955; *infra*, pp. 2483-2486.

² See letter of Jan. 28, 1955, from the Representative of New Zealand to the President of the Security Council; Department of State *Bulletin*, Feb. 14, 1955.

A great danger in Asia is the fear of many non-Communist people that the United States has no real intention of standing firmly behind them. Already that fear has mounted to the danger point. We accepted in Korea an armistice which the Chinese Communists boastfully misrepresent as a "victory" for them. We acquiesced in a Indochina armistice¹ which reflected the defeat of the French Union forces at Dien Bien Phu. We aided the Tachen evacuation. These reasons were compelling; nevertheless the result added a few square miles to the Communist domain.

If the non-Communist Asians ever come to feel that their Western Allies are disposed to retreat whenever communism threatens the peace, then the entire area could quickly become indefensible.

As the situation now exists, neither the cause of freedom, nor United States security, nor world peace and security would be promoted by undermining the faith of the free Asian peoples in our strength and in our willingness to use that strength to restrain those who violently menace liberty. The American people have, through the Congress, made their own resolution clear. That is a verdict which the Government accepts as sound and which it will soberly execute.

SECURITY OF SOUTHEAST ASIA

Let me turn now to Southeast Asia. In a few hours I shall be going to Bangkok to attend the first meeting of the Council created under the Manila Pact for the security of Southeast Asia.²

We shall at Bangkok deal with the problem of organizing the Treaty Council. Also we shall begin to deal with the three substantive problems assigned to the Council, namely, military security, security against subversion directed from without, and economic welfare. I cannot anticipate what the decisions will be, but I am confident that our gathering will show the advantages of cooperation between the East and the West.

Some Asians retain a fear, derived from past colonial relationships, that close ties with the Western powers will lead to their being dominated by the Western powers. It is essential that that fear should be dispelled.

An important step in that direction was taken at Manila when, at the inspiration of President Magsaysay, the eight powers there signed the Pacific Charter.³ Thereby we dedicated ourselves to promoting self-government and to securing independence for all countries whose peoples desire it and are able to undertake its responsibilities. Also we agreed to cooperate in the economic, social, and cultural fields in order to promote higher living standards, economic progress, and social well-being.

ways to diminish the risk of armed attack against the treaty area and the danger of subversion from without. Also we shall begin to study economic problems. These are not capable of any dramatic and spectacular solution, but they do respond to steady, painstaking, and sympathetic efforts.

The first task is to deal with fundamentals. That we are already doing, particularly in the basic realm of education. United States universities and colleges are cooperating with Asian institutions in Thailand, the Philippines, and Pakistan. Many United States technicians are serving in Asia in economic, educational, and health tasks and the number is being increased. Our cooperation is already beginning to show results in better food and better health, and we are together taking the first steps to expand trade, to increase private investment, and to raise standards of living.

In such ways, we can justify man's faith in freedom.

There should indeed be no cleavage between the Western and Asian nations. Our concept of the nature of man had its beginning in Asia where East and West met. We believe that all men are the creation and concern of a universal God and that He has endowed every person with a right to develop in accordance with the dictates of his individual reason and conscience.

That religious faith, politically translated into the Magna Charta, the French Declaration of the Rights of Man, and our own Declaration of Independence, was, as Lincoln said of our Declaration, nothing exclusive but designed to provide "liberty, not alone to the people of this country, but hope for the world for all future time."¹

We also realize that, if human liberty is to be a reality, there must be an economic as well as a political foundation. The impoverished and the destitute cannot be truly free. So we recognize that economic values are essential to give reality to the moral and political values that we cherish.

Such a philosophy is indeed very different from that of Soviet communism.

Soviet communism denies the principle of human equality and instead substitutes the principle of class rule.

It denies that men are capable of self-government and substitutes the principle of dictatorship, the so-called dictatorship of the proletariat.

It denies nationalism, except as it can be used as a slogan to drive a wedge between East and West and prepare the way for an absorption of the peoples by international communism.

It preaches a new doctrine of segregation. The peoples of Asia, it is said, must be separated from the peoples of the West. The peo-

will be unable to resist the iron embrace of international communism. At the Berlin Conference last year, Mr. Molotov denounced NATO and proposed a European security system which would exclude the United States.¹ Now, the Soviet and Chinese Communists denounce the Manila Pact, because it may bring to Southeast Asia the strength needed to resist Communist aggression.

The Bangkok Conference will enable the free nations of the West and of the East to begin a vital demonstration. They can show that through association as sovereign equals, they can each help the other to independence, security, and well-being.

That result accords with the high ideals with which our nation was founded. It is in keeping with what our people have sought throughout their history. So our delegation goes to Bangkok with confidence, because we know that our mission is sustained by national faith and national purpose.

B. THE PACIFIC AND SOUTHEAST ASIA

The ANZUS Pact

[For the text of the Security Treaty of Sept. 1, 1951, between the United States, Australia, and New Zealand (the ANZUS Treaty), see supra pp. 878-880.]

B. ESTABLISHING THE MACHINERY OF THE ANZUS COUNCIL

Communiqué of the First Meeting of the ANZUS Council, Kaneohe, Hawaii, August 7, 1952 ²

The ANZUS Council established by the security treaty between Australia, New Zealand and the United States ³ concluded its first meeting at Kaneohe today. The Right Honorable Richard G. Case, Minister for External Affairs, represented Australia; The Honorable F. Clifton Webb, Minister for External Affairs, represented New Zealand; and The Honorable Dean Acheson, Secretary of State, represented the United States of America.

Advisers of the Australian Minister for External Affairs included The Honorable Sir Percy Spender, Ambassador to the United States.

The Advisers of the New Zealand Minister for External Affairs included: The Honorable Leslie K. Munro, Ambassador to the United States; Mr. Foss Shanahan, Deputy Secretary, Department of External Affairs; and Major General W. G. Gentry, Chief of General Staff.

The Advisers of the United States Secretary of State included The Honorable Philip C. Jessup, Ambassador at Large; The Honorable George W. Perkins, Assistant Secretary of State for European Affairs; The Honorable John M. Allison, Assistant Secretary of State for Far Eastern Affairs; and Admiral Arthur W. Radford, Commander in Chief, Pacific and U. S. Pacific Fleet.

At the end of the meeting the three Foreign Ministers issued the following announcement:

[The] ANZUS treaty recognizes that an armed attack in the Pacific area on any of the parties would be dangerous to the peace and security of all signatories and declares that each would act to meet the common danger in accordance with constitutional processes. The treaty also establishes the Council as the means for a closer consultative relationship among the three governments. We believe that the Council will afford each of us the opportunity to achieve more effective cooperation as members of the free world. We take this occasion to reaffirm the principles of the treaty.

At this first meeting we have established the necessary organization to implement the treaty. In following the provisions of the treaty which states that the Council is to consist of the three foreign ministers or their deputies we have agreed that the Council of Ministers should meet annually, one year in the United States and the alternate year in Australia or New Zealand. The Council also agreed that special meetings normally attended by the Deputies will be held in Washington to provide for continuing consultation and to provide a focus where existing channels and agencies may be utilized in the implementation of the treaty.

The deputy members of the Council will be: For Australia, The Honorable Sir Percy C. Spender, Ambassador to the United States; for New Zealand, The Honorable Leslie K. Munro, Ambassador to the United States; and for the United States, The Honorable David K. Bruce, Under Secretary of State.

To ensure that effective measures are taken to implement Article II of the treaty the Council will have the advice of appropriate military officers of the three governments. Admiral Arthur W. Radford, USN, has been designated as the United States military representative accredited to the Council. The Australian and New Zealand military representatives will soon be designated. An early meeting of these

this article and reaffirmed on behalf of the three governments the need for collective defense in the Pacific area. The Council examined the possibility of providing arrangements for the association of other governments in its work. Recognizing that the Council is just beginning to evolve its own tripartite organization and program it came to the conclusion that it would be premature at this early stage in its development to attempt to establish relationships with other states or regional organizations. The Council agreed, however, that in the meantime the members of the Council would continue to keep in close touch through existing channels with other states concerned to preserve peace in the Pacific area.

We reaffirm that our governments are dedicated to the strengthening and furtherance of friendly and peaceful relationships among nations in the Pacific area. In so doing we emphasize that the purpose of the ANZUS treaty is solely the defense of its members against aggression. As is clear from the treaty itself this is fully consistent with the principles of the United Nations Charter and with the obligations of the members under the charter. The ANZUS Council is dedicated to help support and implement the principles and responsibilities of the United Nations. The principle of collective security is the common objective of both and the security system of the United Nations which we are seeking to build will be made stronger by the steps which we have taken here. Furthermore, in our discussion of how best to contribute by constructive measures to the security of the Pacific area we have taken into account the membership of Australia and New Zealand in the British Commonwealth and United States participation in the North Atlantic Treaty organization and its association by treaty with the other American republics and with Japan and the Philippines.

We have taken the opportunity to review situations of mutual concern. We exchanged views on the operations of the United Nations in Korea and the problem of assisting the free nations of Asia to resist Communist imperialism.

We emphasize, however, that we neither reached any decisions nor undertook any commitments regarding matters of direct concern to our friends in the Pacific area or elsewhere.

. THE ANNUAL REVIEW: Communiqué of the Second Meeting of the ANZUS Council, Washington, September 10, 1953¹

The ANZUS Council, established by the Security Treaty between Australia, New Zealand, and the United States, concluded its 2-day

In addition to the Ministers the delegations included, for Australia: His Excellency the Honorable Sir Percy C. Spender, Ambassador to the United States, and Lt. General Sir Sydney F. Rowell, Chief of the General Staff; for New Zealand: His Excellency Leslie K. Munro, Ambassador to the United States; Alistair D. McIntosh, Secretary of External Affairs; and Maj. Gen. W. G. Gentry, Chief of the General Staff; and for the United States: The Honorable Livingston T. Merchant, Assistant Secretary for European Affairs; the Honorable S. Robertson, Assistant Secretary for Far Eastern Affairs; the Honorable Carl W. McCardle, Assistant Secretary for Public Affairs; and Admiral Felix Stump, Commander-in-Chief, Pacific and U. S. Pacific Fleet. By invitation of the Council Admiral Arthur W. Radford, Chairman of the United States Joint Chiefs of Staff and formerly U. S. Military Representative accredited to the Council, attended the meeting in a consultative capacity.

At the conclusion of the meeting the Council issued the following statement:

The Council affords the Foreign Ministers of the three Governments the opportunity to consult together periodically in regard to the implementation of the ANZUS Security Treaty and to discuss various matters of interest and concern to their countries. It is the over-all objective of the ANZUS partners, building on the foundation of the Treaty, to strengthen the relationships between their Governments at both the political and military levels and to seek the most effective means of providing for their common defense.

At this meeting the Ministers again affirmed the defensive nature of the Treaty. They expressed the determination of their Governments that ANZUS shall play its full part in the maintenance of peace and security in the Pacific. They took, however, no decisions and reached no agreements directly affecting the interests of the other nations of the free world, but discussed in considerable detail the general world situation with specific reference to areas under threat from Communist imperialism.

In its deliberations the Council surveyed situations in the Pacific specifically affecting the security of the three countries. It took special note of those areas in which Communist aggression has led to outright hostilities. In particular the Council considered the situation in Korea and in Indo-China. Each Minister expressed the view of his Government that under present circumstances no question of the recognition of Communist China or of the admission of its representatives to the United Nations would be entertained.

The Council examined reports from the Military Representatives who were appointed at its first meeting last year to advise the Council

tinuing the close cooperation established by the Republic during the past year.

The Council considered its responsibilities in the light of Article VIII of the Treaty, which authorizes it to establish close relationships with other states and regional organizations. It reviewed its own position vis-a-vis other existing defense arrangements in the Pacific and considered the place of ANZUS in the development of a broader collective security system for the area. The Council affirmed its readiness to consider any measure which would strengthen the defense of the area. It unanimously agreed, however, that to attempt to enlarge its membership would detract directly and materially to this end.

The Council noted the fact that each of the three Governments already has other relationships and responsibilities. It recognized the important interests of other countries in the Pacific. The ANZUS Treaty is one of a number of arrangements for the maintenance of security among the nations of the area. The United States is a partner in a mutual security pact with the Philippines and has initialed such a pact with Korea.¹ It has a Security Treaty with Japan and has defense understandings with the National Government of China in Formosa.² Then again, Australia and New Zealand as members of the British Commonwealth, have treaties with Great Britain and the other Commonwealth nations. These arrangements and relationships constitute together a deterrent to any potential aggressor and represent the growing basis for lasting peace in the Pacific.

5. COLLECTIVE DEFENSE IN SOUTHEAST ASIA: Statement of Representatives of the ANZUS Governments at Their Consultative Meeting, Washington, June 30, 1954³

Today's ANZUS meeting was one in the continuing series of meetings providing close consultation among Australia, New Zealand, and the United States, the three signatories to the ANZUS treaty.

The situation in Southeast Asia was discussed in the light of recent developments, including the talks just concluded in Washington between the United Kingdom and the United States.

The Australian and New Zealand representatives expressed satisfaction with the statement by President Eisenhower and Sir Winston Churchill that plans for collective defense in Southeast Asia

that, if at Geneva the French Government is confronted with demands which prevent an acceptable agreement regarding Indochina, the international situation will be seriously aggravated.

All three representatives at the ANZUS meeting agreed on the need for immediate action to bring about the early establishment of collective defense in Southeast Asia—an area in which the three participating countries are all vitally concerned.

6. THE ANNUAL REVIEW: Communiqué of the Fourth Meeting of the ANZUS Council, Washington, September 24, 1955¹

The ANZUS Council affords the Foreign Ministers of the three Governments the opportunity of regular, periodic consultation in regard to international and defense matters of mutual interest and concern. The over-riding objective of the ANZUS partners is to strengthen the relationships between their Governments and to seek effective means of providing for their mutual security.

At this meeting the representatives of the three Governments were glad to note that since their last meeting in 1954,² at which they had agreed on the need for the early establishment of collective defense in Southeast Asia, the Manila Pact has been concluded.³ They unanimously agreed that the Manila Pact, which is history's first multilateral collective defense organization with East Asian participation, represents a further highly significant development toward sustaining and strengthening peace and security in an area of vital concern to the free world. In addition to mutual membership in ANZUS and the Manila Pact, the Ministers noted that their countries have other relationships which contribute to the development of strength and stability in the area.

The Ministers discussed at some length the developments in the world situation occurring since the last meeting of the ANZUS Council. They noted with satisfaction the efforts made at the Geneva meeting of heads of government⁴ toward reducing the causes of world tension. They expressed the hope that these preliminary steps would be followed by positive action. They were in firm agreement that world developments do not so far justify any relaxation of the efforts of the free world to maintain a posture of defensive strength.

¹ Department of State *Bulletin*, Oct. 3, 1955, p. 534.

² See statement of June 30, 1954; *supra*.

³ Treaty and protocol of Sept. 8, 1954; *supra*, pp. 912-916.

⁴ See *The Geneva Conference of Heads of Government, July 18-23, 1955* (Department of State publication 6046; 1955) and *supra*, pp. 111-114.

The Southeast Asia Treaty Organization (SEATO)

[For the text of the SEATO Treaty, September 8, 1954, see *supra*, pp. 912-916.]

7. ESTABLISHING THE MACHINERY OF SEATO: Communiqué of the First Meeting of the SEATO Council, Bangkok, February 25, 1955 ¹

The Foreign Ministers of Australia, New Zealand, Pakistan, the Philippines, Thailand, the United Kingdom, and the United States and the Representative of France have completed the First Meeting of the Council established by the Southeast Asia Collective Defense Treaty.² The Treaty entered into force on February 19, 1955 following the deposit of the instruments of ratification with the Government of the Republic of the Philippines. The Council has held six sessions in Bangkok from February 23 to February 25 under the Chairmanship of H. R. H. Prince Wan Waithayakon, Foreign Minister of the Government of Thailand.

The Council met in circumstances which give increasing urgency to the objectives of the Treaty. The Members of the Council declared the dedication of their Governments to the purposes and principles set forth in the Charter of the United Nations, and in particular, they asserted their hatred of war and their determination to take all possible measures to preserve and strengthen peace. They reiterated that such military arrangements as they may make will be purely defensive in accordance with their international obligations, and will never be used for purposes of aggression.

The Council reaffirmed the aim of their Governments, as set forth in the Pacific Charter:³ to uphold the principle of equal rights and self-determination of peoples; to promote self-government and to secure the independence of all countries whose peoples desire it and are able to undertake its responsibilities; to continue to cooperate in the economic, social, and welfare fields in order to promote higher living standards, economic progress, and social well-being in this region; and to prevent or counter by appropriate means any attempt in the Treaty area to subvert their freedom or to destroy their sovereignty or territorial integrity.

Upholding the principle of non-interference in the internal affairs of other states, the Council stressed the paramount need for the maintenance in peace of the integrity and authority of freely constituted

sion by which freedom and self-government are undermined men's minds subverted.

s Meeting has provided the Members of the Council with an unity for bringing about closer ties among their own govern- in achieving their common objectives and purposes under the r. They believe that the Manila Treaty is already exerting a e influence for the maintenance of peace in Southeast Asia and uthwest Pacific, and that the solidarity of the member nations, at the present meeting, will serve as an increasingly powerful ent against aggression. The Council recognized the continuing rs to peace and security in the Treaty area and agreed that threats make it imperative that the member governments take o strengthen the common defense.

as recognized that subversion and infiltration constitute a serious o the peace and security of the area and that this demands d efforts in all aspects of the national life. The Council dis- specific attempts by elements directed from outside to subvert stitutions and governments in the Treaty area. The Council d these subversive activities with grave concern and was deter- to help the peoples of the area to resist them. There was ment on the need for cooperation among the member govern- to assist one another in combatting the subversive activities of ational Communism. The Council decided to arrange for con- g consultation and mutual assistance and to make it possible ch member government to draw upon the experience of the in dealing with this danger. In this connection the Council ed a valuable report on the Philippine experience in combatting al dissidence, and noted the statement of the United Kingdom ation on the improved situation in Malaya.

Council agreed upon the importance of implementing Article the Treaty which provides:

Parties undertake to strengthen their free institutions and to cooperate ne another in the further development of economic measures, including al assistance, designed both to promote economic progress and social well- nd to further the individual and collective efforts of governments toward nds.

angements were made for economic experts designated by mem- governments to meet periodically wherever appropriate and con- at on matters within the scope of this Article.

e members of the Council recognized that while certain economic rs such as trade, the international payments, development, in- ent, and sound economic progress involved a wider geographic

The Council noted with interest the statement by the U. S. Delegation about the peaceful uses of atomic energy. The Council is deeply conscious of the potential contributions of atomic energy to the health and standards of living of the peoples of all nations and welcomed the proposed discussions relating to cooperation and assistance in the atomic energy program toward achieving these benefits.

Realizing the importance to the security of Southeast Asia and Southwest Pacific of the States of Cambodia, Laos, and Viet Nam, the Council reaffirmed the determination of the member governments to support these three States in maintaining their freedom and independence as set forth in the Protocol to the Treaty.¹ The Council informed of assistance which had been extended to the three States and expressed the hope that member governments would continue to provide assistance.

Having thus exchanged views, the members of the Council agreed on the following arrangements to help carry out the provisions of the Treaty:

Operation of the Council

The governments will be represented on the Council by their Foreign Ministers or their designated representatives. The Council will meet at least once each year and more often when deemed necessary. It will usually meet in the Treaty area. Decisions of the Council will be taken by unanimous agreement.

Designation of Council Representatives

In order to assure close and continuing cooperation when the Council is not in session, the Council has agreed to designate Council representatives who will have their seat in Bangkok. The Council representatives will maintain continuing consultation on matters relating to the Treaty and will perform such special tasks as the Council may from time to time, direct. They may make agreed recommendations to the Council or, when the Council is not in session, to the member governments with respect to implementation of the Treaty. The Council representatives will inform the member governments of the steps the Council representatives take and agree on the steps to be taken by the member governments relating to the Treaty and agree on the steps to be taken by the Council in carrying out its provisions.

The Council representatives may request the member governments to designate specially qualified personnel to assist them in carrying out their tasks. Working groups composed of such personnel

the personnel of the Secretariat being made available by the representatives on a contributed basis.

The Council directed that the Council representatives begin operations as soon as possible and that one of their first tasks should be to arrange meetings of specially qualified personnel designated by member governments to assist the Council representatives in considering means of strengthening cooperation in combatting subversion and infiltration.

The Council also requested the Council representatives to explore the opportunities for increasing cultural and technical cooperation among the member governments and to submit recommendations to the next meeting of the Council.

Military Advisers to the Council

Each of the governments agreed to designate a Military Adviser to its member of the Council.

The Military Advisers will make recommendations to the Council on military cooperation under the Treaty.

They will meet periodically as required, will formulate their own rules of procedure and any necessary organizational arrangements.

The Military Advisers at this Council meeting met on February 24 and 25. They exchanged views concerning the military aspects of the Defense Treaty and as a result of these discussions their staff planners will meet in Manila in April 1955 to initiate plans for the implementation of certain military aspects of the Treaty. Shortly thereafter the Military Advisers will again convene in Bangkok.

Peace and Security of the Area

Although they represent diverse nations and peoples, the members of the Council were unanimous in the belief that this meeting has enabled them to understand and appreciate the problems facing the governments of the countries covered by the Treaty in the common effort to ensure peace and security under the Treaty. The progress achieved at this first Council meeting provides solid hope for closer cooperation among the member governments for the good of the region as a whole. The members of the Council are united in their conviction that the common efforts of their governments are contributing positively to the peace and security of the area, both for the member governments and for other free nations in the region. The Council expressed the hope that these free nations will associate themselves in the near future with the work to be undertaken under the Treaty.

The Colombo Plan

8. THE ROLE OF THE UNITED STATES IN THE PLAN: Address by the Assistant Secretary of State Affairs,¹ October 14, 1954²

The theme of your conference is "Strengthening Economic Ties Between the United States and Asia." There is no need to tell this audience the importance of that objective. Indeed, it exists largely for that purpose—to enlarge American understanding of the nature and content of our economic relations with Asia and to strengthen the economic ties between our country and Asia.

Neither do I need to tell the members of this audience that it is for our own interests and for the sake of peace in the world that the aspirations of the countries of Asia for economic progress should be fulfilled. In those countries it is not only that the future of the democratic way of life and the democratic form of government depends to a very considerable extent on whether or not it will prove possible to achieve some measurable economic progress, some visible economic development, by democratic means.

All of the free countries of Asia stand challenged by the economic progress of the governments of Russia and Red China. They are constantly told that enormous progress has been made and is being made in those Communist countries. They are not in a position to dispute this; this is not so. They know, however, that if it is so that progress is being accomplished at a great price in human freedom and democratic principles.

Nevertheless, whatever progress is being made in the Communist countries is a challenge to the free countries. The peoples of those countries—many of them newly independent and newly possessing the freedom to manage their own affairs—have chosen a system of government that is democratic and free. The peoples in those countries, however, are not academic political scientists; they are farmers, businessmen, and workers in the factories. To them the worth of a system is measured by what it can do—what it can provide for the way of economic well-being and increasing general welfare.

To us the outcome of this challenge and this effort is of great importance. I need not belabor with you the reasons why this is so. You know them full well.

I have been asked to talk today about one important economic tie between the free countries of Asia and the United States and certain other free countries of the West—the Colombo

that not enough of our people understand what the Colombo Plan is and what our relationship to the Plan involves.

The Colombo Plan was conceived initially in 1950 as an organization of Commonwealth countries to focus attention on the economic development problems of the countries of South and Southeast Asia. It is designed to provide a framework within which international cooperative efforts can be made to promote sound and enduring economic progress in that area.

As I said, in its origins the Colombo Plan was a Commonwealth concept. It initially included on the one side the economically developed countries of the Commonwealth such as Great Britain, Canada, Australia, and New Zealand; and on the other side the newly independent or not yet fully independent Asian countries members of the Commonwealth such as India, Pakistan, Ceylon, Malaya, British Borneo, plus Burma.

In the interim, however, the geographic scope of the membership has been so radically enlarged that it can no longer be thought of as being, in any way except historically, a Commonwealth project. Not only has the United States since 1951 associated itself as a full member, but other non-Commonwealth countries of South and Southeast Asia have also joined, such as Cambodia, Laos, Viet-Nam, and Indonesia. Last week at Ottawa, Japan was admitted to membership and Thailand and the Philippines, which had heretofore been observers also became full members. In all, there are now 17 member countries and the area stretches from Pakistan to the Philippines. In this area live 720 million people, about 29 percent of the world's population.

A COMMITTEE FOR ECONOMIC DEVELOPMENT

What is the Colombo Plan? The easiest and most enlightening answer to that question is to explain it is not a plan in the commonly accepted use of the word "plan," but that it is exactly what its title says it is—the Consultative Committee for Economic Development in South and Southeast Asia. It is a committee of nations all of which are, for one reason or another, constructively interested in the economic development of the free countries of this area. It is a consultative committee, not a continuing organization. There were initial formative meetings of the group in 1950 and 1951 at Colombo, at Canberra, and at London. Starting in 1952 there have been annual meetings to review progress in economic development and to assess prospects for the future.

In the course of the formative meetings the member countries of the South and Southeast Asia area were encouraged to formulate

period, they hoped to be able to accomplish, how they expected to finance their programs, what policies and legislative measures they expected to have to pursue, and what goals of investment and production they hoped to be able to reach.

These economic development programs—each of which is an individual country development program—when taken collectively are known as the Colombo Plan.

The subsequent meetings, which took place after the formative meetings, were held in 1952 and 1953 at Karachi and New Delhi and this year (1954) in Ottawa. At these annual meetings the countries of the area review the results of the year just passed. They lay out on the table for frank and friendly discussion what they have accomplished, what they have failed to accomplish, what difficulties they have encountered, what changes they have felt constrained to make in their development plans, and what policies they have pursued. Similarly, they evaluate their prospects for the future; they try to assess what is likely to happen in the way of changes in the terms of trade, increases or decreases in public revenues, shortfalls or overages in the achievement of specific development targets. They appraise what has been available to them heretofore and what is likely to be available in the future in the way of external assistance. They examine what has been and what is likely to be the role of private foreign investment in their economic development, what they have done and left undone to attract foreign investment and mobilize domestic capital.

The Colombo Plan period from 1951 to 1957 is, you will notice, just a little bit more than half over. After the formative meeting the significance of the 6-year framework has, I think, become progressively less. The usefulness of the 6-year concept was that it helped and enabled the countries of the area to view their development problems more concretely. It forced them to examine their problems and their aspirations in terms of what definite, concrete things could be done within a finite and agreed period of time. This searching examination by the Colombo Plan countries was very healthy. It made for realism and for a very valuable, if painful, translation of general plans into precise projects.

ANNUAL REVIEW OF PROGRESS

Now, however, the benefits of this rigid time period have been realized. It is no longer necessary or even very useful to continue refining and modifying the 6-year targets. Indeed, at the very first annual review meeting—that held at Karachi in 1952¹—it was

been accomplished in the preceding year and to evaluate the tasks and the problems for the foreseeable period lying ahead.

It has been customary in the deliberations of the Consultative Committee to draw a loose line of distinction between the so-called recipient countries and the so-called contributing countries. This distinction is, however, becoming more and more a tenuous one because—and this is one of the great virtues of the Plan—there has been engendered a process of cooperation and mutual aid among the recipient countries such that almost all of them are to greater or lesser extent contributing countries to one another. They borrow technical skills and technical assistance from each other according to their respective needs and their respective capacities to assist.

Nevertheless, certain member countries obviously are altogether or almost altogether contributing countries. The United States is one of this group.

I have said that we are a full member of the Colombo Plan. I have also said that we are a contributing-country member. Now what does this mean?

The point that must be emphasized is that the Colombo Plan is simply an intergovernmental committee. We do not contribute anything to any central pool. There is nothing analogous to the Organization for European Economic Cooperation.¹ There is no process by which the contributions of the contributing countries are parceled out or allocated by any international organization. Our assistance to the countries of the area—like that provided by Canada, Australia, New Zealand, and the United Kingdom—is bilaterally given and bilaterally received. Our contribution, in other words, is the sum total we do in the various countries of the area to promote the economic development of those countries. Our aid programs are our governmental contribution. We are not under any contractual obligation either to provide any definite amount of assistance to any one country or to all of them taken together; nor, for that matter, are we under any contractual obligation to provide aid at all to any particular country. In Burma, for example, our aid program terminated at the request of the Burmese Government.²

Neither are we under any obligation to provide assistance in any uniform way or according to any uniform pattern. Our aid programs in Viet-Nam, Laos, and Cambodia have been very different in their nature and orientation from our programs, for example, in India and Indonesia. Nevertheless, whatever we do to help to promote economic development in any of the countries of the area is accepted and regarded as our contribution in relation to that particular country.

I have been emphasizing our aid programs and our public contribu-

The governments of the area naturally are in a better measure what has been accomplished by public action than what needs to be done through public development programs. Otherwise the aid that is given by governments and received by the area is easier to measure than the less tangible benefits of private investment.

Nevertheless, this natural tendency to concentrate on the public sector has been done in what these countries call "the public sector" doing away with any unhealthy bias in favor of public projects. Indeed, the governments of this area are fully aware of the benefits of and their need for foreign capital. They have, for example, included private enterprise in their calculations of sources and possibilities of external capital, and an assessment of what can be borrowed on the private capital markets and of what steps need to be taken by the area to improve their credit-worthiness. Many of the countries have taken specific measures to improve the climate for private investment. They have issued official declarations welcoming foreign enterprise either in general or at least in specific fields. They have publicly recognized also that government measures are not the only factors governing the import of capital, and, for example, that the mere absence of discriminatory government measures is in all cases sufficient to overcome the shyness of foreign investors. Hence they recognize further that if they desire foreign capital in specific fields they will probably have to take positive steps to attract it.

Therefore, in the various annual reviews the Colombian governments have recognized and welcomed any evidence that has been developed during the preceding year of willingness on the part of foreign investors to undertake enterprises in the countries of the area, especially if these enterprises happen to be undertaken with local capital—as was the case, for example, with the oil project in Pakistan and the oil refinery investments in India. It promises to be the case in the investment finance corporations established in India and Ceylon.

PRIVATE CAPITAL MOBILIZED

The countries of the area have not only, therefore, recognized the need and the scope for private foreign participation in the development process; they have also recognized the overwhelming problem of mobilizing private domestic capital. In the annual report, for example—that which was just prepared and which has not yet been published—they have noted that government measures can help to mobilize private capital by seeking

are rather a frank and friendly review of what has been done and what still needs to be done.

The prevailing tone, for example, of the annual report just drafted at Ottawa is one of optimism combined with stark realism. The countries, when they reviewed the pace and the content of economic development during the year just passed, were able to conclude that significant and encouraging progress had been made in a number of important respects but that there was no room for relaxation of effort. They recognized that in some countries the progress realized was relatively small; that throughout the region as a whole the population has been growing rapidly (indeed, at an annual rate of slightly over 9 million) and that, therefore, food production per capita (despite very creditable increases in total food output) was still below prewar levels; that underemployment in rural areas was widespread and that unemployment in urban areas, particularly of educated persons, presented a serious social problem; that trained personnel in many fields was not yet available in sufficient numbers; that in some of the countries of the area the process of formulating balanced development programs was still not far enough along; that there was only a narrow margin of production over consumption and that, therefore, the level of savings and the level of tax revenues provided on the whole only a precarious base for development financing.

This is indeed a formidable enumeration of problems to be faced and difficulties to be overcome. It is, of course, not the whole story. Just as I did not want you to think that the annual meetings of the Colombo Plan group of countries were limited to an uncritical eulogy of results achieved, neither did I want you to think that they represented a session of breastbeating and complaining over the hardness of the task. Indeed, at this same Ottawa meeting which produced the catalogue of problems which I summarized a few minutes ago, the countries of the area were able also to record that their own outlays on development had increased considerably over those for the preceding year. In India, for example, development expenditures by public authorities for the year 1951-52 were roughly \$550 million. For the year 1953-54, they had increased to \$705 million and are expected for the year ending June 30 next to approximate \$1,170 million if financing is available. For Pakistan the comparable figures are for the fiscal year 1951-52, \$125 million; for the fiscal year 1953-54, \$275 million.

These, indeed, are very creditable results and expectations. I mention them merely lest you think that the sessions of the Colombo Plan meetings are devoted entirely to lamenting over the difficulties of the economic development problems of the area. But to return

great experiment in human relations." It is very rarely that governments are able to come together and with so much freedom and honesty and openness to say what they have done, what they have failed to do, what they still need to do, what they intend to do, and what are the political and cultural limitations upon what they can do.

If there is any conclusion to be drawn as concerns what the members of this Far East-America Council might learn from the experience, at governmental level, in the Colombo Plan, it is, I should think that there are almost limitless possibilities of fruitful cooperation between the United States and the countries of Asia if there is evidenced the same frankness, the same patience, and the same understanding. We in government know that there are difficulties in the way of establishing business connections in the countries of Asia. We know that there are frictions, there are uncertainties, there are difficulties of mutual understanding. However, from our experience at the governmental level we are quite certain there is a great fund of common interest and of common viewpoint. We conclude, therefore that there is much which should be done and can be done to accomplish the objective stated as the theme of this conference: "Strengthening Economic Ties Between the United States and Asia."

The Afro-Asian Conference

9. COMMUNIQUÉ OF THE CONFERENCE OF AFRO-ASIAN COUNTRIES, ISSUED AT BANDUNG, INDONESIA, APRIL 24, 1955¹

The Asian-African Conference, convened upon the invitation of the Prime Ministers of Burma, Ceylon, India, Indonesia and Pakistan met in Bandung from the 18th to the 24th April, 1955. In addition to the sponsoring countries the following 24 countries participated in the conference:

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|-------------------------------|---------------|
| 1. Afghanistan | 6. Gold Coast |
| 2. Cambodia | 7. Iran |
| 3. People's Republic of China | 8. Iraq |
| 4. Egypt | 9. Japan |
| 5. Ethiopia | 10. Jordan |

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| 11. Laos | 19. Syria |
| 12. Lebanon | 20. Thailand |
| 13. Liberia | 21. Turkey |
| 14. Libya | 22. Democratic Republic of
Viet-Nam |
| 15. Nepal | 23. State of Viet-Nam |
| 16. Philippines | 24. Yemen |
| 17. Saudi Arabia | |
| 18. Sudan | |

The Asian-African Conference considered problems of common interest and concern to countries of Asia and Africa and discussed ways and means by which their people could achieve fuller economic, cultural and political cooperation.

A. *Economic Cooperation*

1. The Asian-African Conference recognized the urgency of promoting economic development in the Asian-African region. There was a general desire for economic cooperation among the participating countries on the basis of mutual interest and respect for national sovereignty. The proposals with regard to economic cooperation within the participating countries do not preclude either the desirability or the need for cooperation with countries outside the region, including the investment of foreign capital. It was further recognized that the assistance being received by certain participating countries from outside the region, through international or under bilateral arrangements, had made a valuable contribution to the implementation of their development programmes.

2. The participating countries agreed to provide technical assistance to one another, to the maximum extent practicable, in the form of: experts, trainees, pilot projects and equipment for demonstration purposes; exchange of know-how and establishment of national, and where possible, regional training and research institutes for imparting technical knowledge and skills in cooperation with the existing international agencies.

3. The Asian-African Conference recommended: the early establishment of the Special United Nations Fund for Economic Development; the allocation by the International Bank for Reconstruction and Development of a greater part of its resources to Asian-African countries; the early establishment of the International Finance Corporation which should include in its activities the undertaking of equity investment, and encouragement to the promotion of joint ventures among Asian-African countries in so far as this will promote their common

stabilizing commodity trade in the region. The principle the scope of multilateral trade and payments was accepted, however, it was recognized that some countries would have recourse to bilateral trade arrangements in view of their economic conditions.

5. The Asian-African Conference recommended that action be taken by participating countries for stabilizing national prices of and demand for primary commodities by bilateral and multilateral arrangements, and that as far as possible and desirable, they should adopt a unified approach on this matter. The United Nations Permanent Advisory Commission on International Commodity Trade¹ and other international forums were mentioned.

6. The Asian-African Conference further recommended that African countries should diversify their export trade by their raw material, wherever economically feasible, be encouraged. Intraregional trade fairs should be promoted and encouraged. The exchange of trade delegations and groups of business men for change of information and of samples should be encouraged. View to promoting intraregional trade and normal facilities should be provided for transit trade of landlocked countries.

7. The Asian-African Conference attached considerable importance to Shipping and expressed concern that shipping lines raise their freight rates, often to the detriment of the countries. It recommended a study of this problem, and action thereafter, to induce the shipping lines to adopt a reasonable attitude. It was suggested that a study of railway transit trade may be made.

8. The Asian-African Conference agreed that encouragement be given to the establishment of national and regional insurance companies.

9. The Asian-African Conference felt that exchange of views on matters relating to oil, such as remittance of profits and taxes might eventually lead to the formulation of common policies.

10. The Asian-African Conference emphasized the significance of the development of nuclear energy for peaceful purposes, for the Asian-African countries. The Conference took the initiative of the Powers principally concerned in offering available information regarding the use of atomic energy for peaceful purposes;² urged the speedy establishment of the International Atomic Energy Agency³ which should provide for adequate representation of the Asian-African countries on the executive board of the Agency; and recommended to the Asian and African countries to take full advantage of the training and other facilities

peaceful uses of atomic energy offered by the countries sponsoring such programmes.

11. The Asian-African Conference agreed to the appointment of Liaison Officers in participating countries, to be nominated by their respective national Governments, for the exchange of information and ideas on matters of mutual interest. It recommended that fuller use should be made of the existing international organizations, and participating countries who were not members of such international organizations, but were eligible, should secure membership.

12. The Asian-African Conference recommended that there should be prior consultation of participating countries in international forums with a view, as far as possible, to furthering their mutual economic interest. It is, however, not intended to form a regional bloc.

C. Cultural Cooperation

1. The Asian-African Conference was convinced that among the most powerful means of promoting understanding among nations is the development of cultural cooperation. Asia and Africa have been the cradle of great religions and civilizations which have enriched other cultures and civilizations while themselves being enriched in the process. Thus the cultures of Asia and Africa are based on spiritual and universal foundations. Unfortunately contacts among Asian and African countries were interrupted during the past centuries. The peoples of Asia and Africa are now animated by a keen and sincere desire to renew their old cultural contacts and develop new ones in the context of the modern world. All participating Governments at the Conference reiterated their determination to work for closer cultural cooperation.

2. The Asian-African Conference took note of the fact that the existence of colonialism in many parts of Asia and Africa in whatever form it may be not only prevents cultural cooperation but also suppresses the national cultures of the people. Some colonial powers have denied to their dependent peoples basic rights in the sphere of education and culture which hampers the development of their personality and also prevents cultural intercourse with other Asian and African peoples. This is particularly true in the case of Tunisia, Algeria, and Morocco, where the basic right of the people to study their own language and culture has been suppressed. Similar discrimination has been practised against African and coloured people in some parts of the Continent of Africa. The Conference felt that these policies amount to a denial of the fundamental rights in the

and universality, the Conference believed that Asian and cultural cooperation should be developed in the larger world cooperation.

Side by side with the development of Asian-African culture the countries of Asia and Africa desire to develop culture with others. This would enrich their own culture and help in the promotion of world peace and understanding.

4. There are many countries in Asia and Africa which yet been able to develop their educational, scientific and institutions. The Conference recommended that countries and Africa which are more fortunately placed in this respect give facilities for the admission of students and trainees to their institutions. Such facilities should also be available to the Asian and African people in Africa to whom facilities for acquiring higher education are at present denied.

5. The Asian-African Conference felt that the promotion of cooperation among countries of Asia and Africa should be directed towards:

- (I) the acquisition of knowledge of each other's countries
- (II) mutual cultural exchange, and
- (III) exchange of information.

6. The Asian-African Conference was of opinion that at the best results in cultural cooperation would be achieved by bilateral arrangements to implement its recommendations, each country taking action on its own, wherever possible and appropriate.

C. Human Rights and Self-determination

1. The Asian-African Conference declared its full support of the fundamental principles of Human Rights as set forth in the Charter of the United Nations¹ and took note of the Universal Declaration of Human Rights² as a common standard of achievement for all peoples and all nations.

The Conference declared its full support of the principle of self-determination of peoples and nations as set forth in the Charter of the United Nations³ and took note of the United Nations resolution on the rights of peoples and nations to self-determination,⁴ which is a prerequisite of the full enjoyment of all fundamental Human Rights.

2. The Asian-African Conference deplored the policies and practices of racial segregation and discrimination which form the basis of government and human relations in large regions of Africa and in parts of the world. Such conduct is not only a gross violation

human rights, but also a denial of the fundamental values of civilization and the dignity of man.

The Conference extended its warm sympathy and support for the courageous stand taken by the victims of racial discrimination, especially by the peoples of African and Indian and Pakistani origin in South Africa; applauded all those who sustain their cause, re-affirmed the determination of Asian-African peoples to eradicate every trace of racialism that might exist in their own countries; and pledged to use its full moral influence to guard against the danger of falling victims to the same evil in their struggle to eradicate it.

D. *Problems of Dependent Peoples*

1. The Asian-African Conference discussed the problems of dependent peoples and colonialism and the evils arising from the subjection of peoples to alien subjugation, domination and exploitation.

The Conference is agreed:

(a) in declaring that colonialism in all its manifestations is a evil which should speedily be brought to an end;

(b) in affirming that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and cooperation;

(c) in declaring its support of the cause of freedom and independence for all such people, and

(d) in calling upon the powers concerned to grant freedom and independence to such peoples.

2. In view of the unsettled situation in North Africa and of the persisting denial to the peoples of North Africa of their right to self-determination, the Asian-African Conference declared its support of the rights of the people of Algeria, Morocco and Tunisia to self-determination and independence and urged the French Government to bring about a peaceful settlement of the issue without delay.

E. *Other Problems*

1. In view of the existing tension in the Middle East, caused by the situation in Palestine and of the danger of that tension to world peace, the Asian-African Conference declared its support of the rights of the Arab people of Palestine and called for the implementation of the United Nations Resolutions on Palestine¹ and the achievement of the peaceful settlement of the Palestine question.

2. The Asian-African Conference, in the context of its expressed

attitude on the abolition of colonialism, supported the Indonesian position in the case of West Irian based on the relevant articles of the Charter of the United Nations and the agreement between Indonesia and the Netherlands.¹

The Asian-African Conference urged the Netherlands to reopen negotiations as soon as possible, to implement the provisions under the above-mentioned agreements and expressed the hope that the United Nations would assist the parties in finding a peaceful solution to the dispute.²

3. The Asian-African Conference supported the position in the case of Aden and the Southern parts of Yemen Protectorates and urged the parties concerned to arrive at a settlement of the dispute.

F. Promotion of World Peace and Cooperation

1. The Asian-African Conference, taking note of the fact that several States have still not been admitted to the United Nations, considered that for effective cooperation for world peace and security in the United Nations should be universal, called on the Security Council to support the admission of all those States which are qualified for membership in terms of the Charter. In the opinion of the Asian-African Conference, the following among particular States, viz: Cambodia, Ceylon, Japan, Jordan, Libya, Nepal, and Vietnam were so qualified.³

The Conference considered that the representation of the Asian-African region on the Security Council, in accordance with the principle of equitable geographical distribution, was inadequate. It expressed the view that as regards the distribution of the permanent seats, the Asian-African countries which, under the present arrangement, arrived at in London in 1946, are precluded from being represented should be enabled to serve on the Security Council, so that they should make a more effective contribution to the maintenance of international peace and security.

2. The Asian-African Conference having considered the situation of international tension existing and the risks to the whole human race from the outbreak of global war, expressed the view that the destructive power of all types of armaments, including

¹ The dispute between the Netherlands and Indonesia over the Indonesian position in the case of West Irian (West New Guinea) arose from their differing interpretations of the articles of the Charter of the United Nations relating to the Transfer of Sovereignty (from the Netherlands to Indonesia), signed at The Hague, Dec. 27, 1949; 69 United Nations Yearbook of International Law, p. 3.

² The question of West Irian (West New Guinea) was placed on the agenda of the Ninth Session of the U.N. General Assembly. The draft resolution

all nations to the terrible consequences that would follow if such a war were to break out.

The Conference considered that disarmament and the prohibition of the production, experimentation and use of nuclear and thermo-nuclear weapons of war are imperative to save mankind and civilisation from the fear and prospect of wholesale destruction. It considered that the nations of Asia and Africa assembled here have a duty towards humanity and civilisation to proclaim their support for disarmament and for the prohibition of these weapons and to appeal to nations principally concerned and to world opinion, to bring about such disarmament and prohibition.

The Conference considered that effective international control should be established and maintained to implement such disarmament and prohibition and that speedy and determined efforts should be made to this end.

Pending the total prohibition of the manufacture of nuclear and thermo-nuclear weapons, this Conference appealed to all the powers concerned to reach agreement to suspend experiments with such weapons.

The Conference declared that universal disarmament is an absolute necessity for the preservation of peace and requested the United Nations to continue its efforts and appealed to all concerned speedily to bring about the regulation, limitation, control and reduction of all armed forces and armaments, including the prohibition of the production, experimentation and use of all weapons of mass destruction and to establish effective international control to this end.

G. Declaration on the Promotion of World Peace and Cooperation

The Asian-African Conference gave anxious thought to the question of world peace and cooperation. It viewed with deep concern the present state of international tension with its danger of an atomic world war. The problem of peace is correlative with the problem of international security. In this connection, all States should cooperate, especially through the United Nations, in bringing about the reduction of armaments and the elimination of nuclear weapons under effective international control. In this way, international peace can be promoted and nuclear energy may be used exclusively for peaceful purposes. This would help answer the needs particularly of Asia and Africa, for what they urgently require are social progress and better standards of life in larger freedom. Freedom and peace are interdependent. The right of self-determination must be enjoyed by all peoples, and freedom and independence must be granted, with the least possible delay, to those who are still dependent peoples. Indeed, all nations should have the right freely to choose their own political and economic systems and their own way of life, in conformity with the purposes and principles of the Charter of the United Nations.

Free from mistrust and fear, and with confidence towards each other, nations should practise tolerance and in peace with one another as good neighbours and dev cooperation on the basis of the following principles:

1. Respect for fundamental human rights and for the principles of the Charter of the United Nations.
2. Respect for the sovereignty and territorial integrity of nations.
3. Recognition of the equality of all races and of the rights of all nations large and small.
4. Abstention from intervention or interference in the affairs of another country.
5. Respect for the right of each nation to defend itself, collectively, in conformity with the Charter of the United Nations.
6. (a) Abstention from the use of arrangements of collective defence to serve the particular interests of any of the countries.
(b) Abstention by any country from exerting pressure on other countries.
7. Refraining from acts or threats of aggression or the use of force against the territorial integrity or political independence of any country.
8. Settlement of all international disputes by peaceful means, such as negotiation, conciliation, arbitration or judicial settlement, as well as other peaceful means of the parties' own choice, in conformity with the Charter of the United Nations.
9. Promotion of mutual interests and cooperation.
10. Respect for justice and international obligations.

The Asian-African Conference declared its conviction that cooperation in accordance with these principles would effectively contribute to the maintenance and promotion of international security, while cooperation in the economic, social and cultural fields would help bring about the common prosperity and well-being of all peoples.

The Asian-African Conference recommended that the participating countries¹ consider the convening of the next meeting of the Conference, in consultation with the participating countries.

¹ i.e., Burma, Ceylon, India, Indonesia, and Pakistan.

Burma

10. PRESENCE OF CHINESE TROOPS IN BURMA: Resolution 815 (IX) of the United Nations General Assembly, October 29, 1954¹

The General Assembly,

Having considered the report² dated 27 September 1954 of the Government of the Union of Burma on the situation relating to the presence of foreign forces in its territory,

Having taken note of the report³ of the Joint Military Committee for the Evacuation of Foreign Forces from Burma the efforts of which were directed to securing the removal of these foreign forces,

1. *Notes with satisfaction* that nearly 7,000 persons, both foreign forces and their dependants, have been evacuated from Burma and that this constitutes a substantial contribution to the solution of the problem pursuant to the recommendations of the General Assembly;

2. *Expresses its appreciation* of the efforts of the Governments of the United States of America and of Thailand in helping to bring about this evacuation;

3. *Deplores* the fact that considerable foreign forces with a significant quantity of arms still remain in the territory of the Union of Burma and have failed to respond to the declarations of the General Assembly that they should either leave the territory of the Union of Burma or submit to internment;⁴

4. *Declares* once more that these forces should submit to disarmament and internment;

5. *Assures* the Government of the Union of Burma of its continuing sympathy with and support of the efforts of that Government to bring about a complete solution of this serious problem;

6. *Urges* all States to take all necessary steps to prevent the furnishing of any assistance which may enable foreign forces to remain in the territory of the Union of Burma or to continue their hostile acts against that country;

7. *Invites* the Government of the Union of Burma to report on the situation to the General Assembly as appropriate.

¹ U.N. General Assembly, *Official Records, Ninth Session, Supplement No. 2* (A/2890), p. 7.

² *Ibid.*, *Annexes*, agenda item 63 (A/2739).

³ *Ibid.* (A/2740).

⁴ See General Assembly Resolutions 707 (VII), Apr. 23, 1953, and 717 (VIII) Dec. 8, 1953; *ibid.*, *Seventh Session, Supplement No. 20A* (A/2361/Add. 1) pp. 4-5, and *ibid.*, *Eighth Session, Supplement No. 17* (A/2630), p. 4.

11. EXCHANGE OF VIEWS: Joint Statement by the President of the United States and the Prime Minister of Burma, July 2, 1955¹

The Prime Minister of Burma, His Excellency U Nu, has visited Washington for three days at the invitation of President Eisenhower. The President and the Prime Minister discussed many matters of common concern and exchanged views on current international problems.

The Prime Minister, the President and the Secretary of State reviewed problems of peace and security in Asia. They had a frank discussion of the complex economic problems arising from the existence of substantial surpluses of exportable rice both in Burma—one of the world's leading rice exporting countries—and in the United States.

Note was taken of the salutary influence of religion as exemplified by the Sixth Buddhist Synod presently being held in Rangoon and attended by leading Buddhist scholars from many nations.

The problem of imprisoned American fliers in Communist China was reviewed.²

These talks have been of special value in increasing mutual understanding between Burma and the United States. There is a wide area of agreement and a traditional friendship between Burma and the United States resting firmly upon certain noble concepts to which both countries subscribe. Our two peoples, those of the United States and the Union of Burma, share two fundamental goals, a peaceful world and a democratic way of life.

They reaffirmed their dedication to the ideal of peace and friendly cooperation amongst nations founded on international justice and morality. Both countries are deeply concerned with a subject that is predominant in the minds of all responsible world leaders today—the problem of achieving peace with justice, a peace based upon the liberty of human beings and the security of nations.

Such a peace can best be achieved by loyal steadfast support for the Charter of the United Nations. That is the surest and most practical avenue along which to seek peace with justice in this world. A patient striving to uphold the fundamental moral and religious beliefs underlying the Charter provides the best hope for the fulfillment of mankind's aspirations.

The Prime Minister, the President and the Secretary of State deplored the conditions which force the peoples of the world to divert their energies and talents from a single-minded effort to improve and expand those cultural and economic opportunities by which men can

*Republic of the Philippines***12. ECONOMIC SURVEY OF THE PHILIPPINES: Summary and Recommendations From the Report of the Bell Mission, October 9, 1950 (Excerpts) ¹**

At the request of the President of the Philippine Republic, President Truman appointed a United States Economic Survey Mission to consider the economic and financial problems of that country and to recommend measures that will enable the Philippines to become and to remain self-supporting. The Mission was instructed to survey all aspects of the Philippine economy, including agriculture, industry, internal and external finances, domestic and foreign trade, and public administration. The Mission was asked to give special consideration to immediate measures to help raise production and living standards in the Philippines. The Mission has had the full cooperation of the Philippine Government and of many individuals and organizations outside the Government. Their help has been invaluable in providing the Mission with the data necessary for its work.

Economic conditions in the Philippines are unsatisfactory. The economic situation has been deteriorating in the past 2 years and the factors that have brought this about cannot be expected to remedy themselves. Unless positive measures are taken to deal with the fundamental causes of these difficulties, it must be expected that the economic situation will deteriorate further and political disorder will inevitably result. Whatever is to be done to improve economic conditions in the Philippines must be done promptly, for if the situation is allowed to drift there is no certainty that moderate remedies will suffice.

The mission recommends that the following measures be taken:

1. That the finances of the Government be placed on a sound basis in order to avoid further inflation; that additional tax revenues be raised immediately in as equitable a manner as possible to meet the expenditures of the Government; that the tax structure be revised to increase the proportion of taxes collected from high incomes and large property holdings; that the tax collecting machinery be overhauled to secure greater efficiency in tax collection; that a credit policy be adopted which will encourage investment in productive enterprises;

methods of increasing the yield from all basic crops; that the Department of Agriculture and Natural Resources be adequately supplied with funds and the agricultural extension service expanded; that the agricultural college at Los Baños be rehabilitated and the experiment station located there, with other stations at appropriate places throughout the country; that rural banks be established to provide production credit for small farmers; that the open lands for settlement in homesteads be expedited and the clearing of land titles promptly assured; that a program of land redistribution be undertaken through the purchase of large estates for redistribution to small farmers; and that measures be undertaken to provide small farmers with reasonable security on their land and an equitable share of the crops they produce.

3. That steps be taken to diversify the economy of the country by encouraging new industries; that adequate power and transportation facilities be provided as needed for further economic development; that a Philippine Development Corporation be established to coordinate all government corporations and enterprises and to liquidate those that are ineffective; that financial assistance be made available to productive enterprises by the Corporation acting in cooperation with private banks; that the natural resources of the country be systematically explored to determine their potentialities for economic development; and that the present laws and practices with respect to the use of the public domain be re-examined.

4. That to avoid a further deterioration in the international trade position and to reduce the excessive demand for foreign exchange, a special emergency tax of 25 percent be levied for a period not exceeding two years on imports of all goods other than rice, corn, flour, fish, canned milk and fertilizer; that if such an emergency levy is not possible under the Trade Agreement with the United States,¹ either very heavy excise taxes should be imposed on imports or a 25 percent should be levied on all sales of exchange; that, as an interim measure, the present exchange and import controls be re-examined, their administration be simplified and liberalized and the repatriation of current earnings be permitted; that a Treaty of Commerce and Navigation be concluded between the Philippines and the United States and the present Trade Agreement be re-examined in the light of the new conditions.

5. That an adequate program of public health and improvement of living conditions be undertaken, and better facilities for urban housing be provided; that the right of workers to organize free trade unions be guaranteed and their economic interests be established through appropriate legislation; that the Philippine economy be diversified through appropriate

be placed on a merit basis and civil service salaries raised to provide a decent standard of living; that the Philippine Government remove barriers to the employment of foreign technicians and take steps to improve training facilities for technicians in the Philippines; and that in accordance with the request of the Philippine Government, the United States send a Technical Mission to assist the Philippine Government in carrying out its agricultural and industrial development, fiscal controls, public administration, and labor and social welfare program.

7. That the United States Government provide financial assistance of 250 million dollars through loans and grants, to help in carrying out a 5-year program of economic development and technical assistance; that this aid be strictly conditioned on steps being taken by the Philippine Government to carry out the recommendations outlined above, including the immediate enactment of tax legislation and other urgent reforms; that expenditure of United States funds under this recommendation, including pesos derived from United States loans and grants, be subject to continued supervision and control of the Technical Mission; that the use of funds provided by the Philippine Government for economic and social development be co-ordinated with the expenditure of the United States funds made available for this purpose; and that an agreement be made for final settlement of outstanding financial claims between the United States and the Philippines, including funding of the Reconstruction Finance Corporation loan of 60 million dollars.¹

13. PROGRESS REPORT ON DEVELOPMENTS IN THE PHILIPPINES: Statement to the Press by the American Ambassador to the Republic of the Philippines,² June 15, 1951³

I should like to give you a progress report on developments in the Philippines and our relations with that gallant ally of ours. As a result of 50 years of American tutelage and out of loyalty to and affection for the United States, the Philippines unfalteringly stood by us when Japan embarked on its program to conquer Asia. The surrender of Japan found the Philippines destroyed and laid waste to an extent which has happened to few countries in modern history, and of which few Americans can even begin to conceive.

Against this background of death and destruction, the United States, in compliance with its undertakings transferred sovereignty to the Philippines on July 4, 1946,⁴ and agreed to assist in its rehabilitation.

tion.¹ It was to be expected that the first 5 years of Philippine independence would encounter the most serious difficulties, in view of the growing menace of the international conspiracy.

Altogether too much is heard in this country of what is wrong in the Philippines, and I would be less than fair to our Filipino friends if I denied that there is much wrong. Far more important, however, is that there is much that is right and, in all honesty, I can tell you that I am supremely confident the Philippines is well on the way to regaining the confidence we have placed in it.

Because of misleading publicity, I suspect that the first automatic reaction of the average American when he thinks of the Philippines is, "What happened to the 2 billion dollars the United States gave the Philippines?"

I believe this is as good a time as any to dispel once and for all the misconceptions about this 2 billion dollars worth of American aid. The best way to do it is to show what the United States has done with what this 2 billion dollars really consists of.

In the first place, the United States paid out 400 million dollars for private war damage claims, of which the majority were in the amount of less than 500 dollars each, and for the reconstruction of public buildings. At the same time, the United States spent roughly 1 billion dollars in the reconstruction of such essential public services as roads and bridges, ports and harbors, public health, fisheries, water supply, ice, coast surveys, interisland shipping, and civil air facilities.

Another category of American payments during the first 5 years of independence fell into a more strictly military category. A total of 822 million dollars was paid out by the American government for back pay for Philippine armed forces, civilian claims against the military, civil relief, redemption of the guerrilla currency, military benefits, and other items for military pay and construction of military bases and services.

The Veterans Administration paid out 181 million dollars in compensation to Filipino veterans.

An arrangement was also made to transfer surplus property to the Philippines at a fair value of 100 million dollars. Other kinds of economic and material and technical assistance to the amount of 1 billion dollars were also made available.

The foregoing adds up to a dollar value of less than 1.9 billion dollars. It should be noted that it was all in the form of goods and services, and payments to individuals. Not a single centavo of this total was paid to the Philippine Government in cash. The only direct financial aid has been an RFC budgetary loan of 60 million dollars.

United States dollar exchange, much of which could undoubtedly have been spent more wisely than it was. We should remember, however, that the end of hostilities found the Philippines stripped of all consumer goods. It will still take many long years to replace what was destroyed.

The Philippine Government itself realized the danger of its position when its dollar reserves, during 1949, decreased from 400 million dollars to 248 million dollars. To remedy this situation the Philippine Government imposed the most stringent import regulations with the result that its reserves are now back to the 400 million dollars level. In addition, improved collection of taxes and the imposition of new taxes in the face of serious political opposition give us confidence that the Philippine budget will be balanced this year.

And lastly, Philippine production, particularly of such strategic and important commodities as copra, abaca, sugar, lumber, and minerals is now encouragingly close to the prewar level. I maintain that in view of the obstacles which had to be overcome and those which still remain, the record of Philippine self-help and American assistance is a good one. The purpose of the United States now is to extend the assistance necessary to preserve and extend the gains which have been made.

Last year the Bell Mission made a most excellent survey and made recommendations for the improvement of the Philippine economy. Pursuant to the Quirino-Foster agreement,¹ recommendations of the Bell Mission² are now in process of implementation, both by the Philippines and by the United States.

With American military assistance, the rejuvenated Philippine armed forces are now making significant inroads on the strength and capabilities of the Communist-dominated Huk movement. The presence of the Seventh Fleet in Philippine waters has contributed significantly to Philippine morale. American naval and air bases are being expanded. These specific measures are giving the Philippine people confidence that President Truman and the Secretary of State have meant exactly what they said when they categorically stated publicly that the United States would never tolerate aggression against the Philippines.

Philippine efforts at self-improvement and of cooperation with the free world (for example, the splendid showing of Filipino troops in Korea) persuade me that the Philippines is convinced the United States, as in the past, will keep its pledged faith. In return we can know that in Asia we have no more devoted or staunch friend and ally.

¹ Agreement of Nov. 14, 1950, between the President of the Philippine Republic, Elpidio Quirino, and the Administrator of the Economic Cooperation Administration, William C. Foster; see the preamble to the Economic and Technical Cooperation Agreement of Apr. 27, 1951 (TIAS 2498; 3 UST 3707).

² See *Report to the President of the United States by the Economic Survey Mission to the Philippines* (Department of State publication 4010; 1950). Summary and Recommendations printed *supra*.

14. ESTABLISHMENT OF THE COUNCIL UNDER THE UNITED STATES-PHILIPPINE MUTUAL DEFENSE TREATY
From the Secretary of State to the Philippine Chargé d'Affaires, Washington,¹ June 23, 1954²

SIR: I refer to my conversation with General Carlos P. Garcia, Personal and Special Representative of the President of the Philippines, on June 15, 1954, in regard to implementation of the Mutual Defense Treaty between the United States of America and the Republic of the Philippines,³ and to an aide-memoire handed to the Acting Secretary of State by the Personal and Special Representative of the President of the Philippines on June 3, 1954.

During the discussions on June 15, between the Personal and Special Representative of the President of the Philippines and the Secretary of State, we were in agreement that, pursuant to the provisions of the Mutual Defense Treaty, and in the light of current international developments, it would be useful to establish a Council consisting of the Secretary of State, or his Deputy, and the Secretary of Foreign Affairs of the Republic of the Philippines, or his Deputy, so that each member of the Council would designate a military representative; that consultations will be held upon the request of either party; and that the time and place of such meetings will be determined by mutual agreement.⁴

I should be glad to know whether the foregoing is acceptable to the Government of the Philippines.⁵ If so, we shall promptly act accordingly.

Accept, Sir, the renewed assurances of my high consideration.

15. REVISED UNITED STATES-PHILIPPINE TRADE AGREEMENT
MENT: Statement by the Department of State, September 6, 1955⁶

The Department of State announced on September 6 (p. 529) that a revised agreement between the Republic of the Philippines and the United States regarding trade arrangements and other matters was signed on that date at the Department.

¹ Dr. Melquiades J. Gamboa.

² Department of State *Bulletin*, July 5, 1954, p. 14.

³ Treaty of Aug. 30, 1951; *supra*, pp. 873-875.

⁴ The first meeting of the Council took place in Manila, Sept. 4, 1954.

ment was signed on behalf of the Philippines by Gen. Carlos P. Romulo, Special and Personal Envoy of the President of the Philippines; James M. Langley, Special Representative of the President of the United States of America, signed on behalf of the United States. It will enter into force on January 1, 1956.

The title of the agreement is "Agreement between the United States of America and the Republic of the Philippines concerning Trade and Related Matters during a Transitional Period following the Institution of Philippine Independence, signed at Manila on July 4, 1946, as revised."¹ The authorizing legislation of the U. S. Congress is Public Law 196, 84th Congress, the Philippine Trade Agreement Revision Act of 1955.²

The 1946 trade agreement³ was entered into at the time the Philippines gained its independence. At that time there were no precedents to indicate exactly how the problems of the new relationship which was to exist between the Philippines and the United States might best be met. During the 9 years of operation of this agreement problems arose on both sides suggesting the need for revisions. These revisions, affecting every article of the agreement, provide for adjustments which better accommodate the current and future economic interests of both nations and effect changes in their relationships which were mutually felt desirable as a result of the experiences of the Philippines in handling its political and economic problems since the Philippines became independent in 1946. The modification of transitional tariff schedules coupled with the elimination of an exchange tax in the Philippines is an important element of the revised agreement.

The further economic development of the Philippines is one of the objectives of the new agreement. Such development, in addition to enhancing the importance of the Philippines as a trading partner of the United States, serves to strengthen a staunch friend and close ally.

At the same time an additional agreement, relating to the status of U.S. and Philippine traders and investors entering the territories of the parties, was effected by an exchange of notes.⁴ This agreement entered into force immediately.

SUMMARY OF MODIFICATIONS CONTAINED IN THE REVISED TRADE AGREEMENT

(effective January 1, 1956)

Article I: The revised agreement replaces the schedules for the gradual disappearance of tariff preferences for Philippine articles imported into the United States and for U.S. articles imported into

the Philippines by new schedules which are more liberal than the present Philippine Tariff, as set forth below:

PERCENTAGES OF CUSTOMS DUTIES TO BE APPLIED

By the United States to imports from the Philippines			By the Philippines to imports from the United States
Calendar year	1946 agreement as extended	Revised agreement	1946 agreement as extended
	<i>Percent</i>	<i>Percent</i>	<i>Percent</i>
1956.	15	5	5
1957.	20	5	5
1958.	25	5	5
1959.	30	10	10
1960.	35	10	10
1961.	40	10	10
1962.	45	20	20
1963.	50	20	20
1964.	55	20	20
1965.	60	40	40
1966.	65	40	40
1967.	70	40	40
1968.	75	60	60
1969.	80	60	60
1970.	85	60	60
1971.	90	80	80
1972.	95	80	80
1973.	100	80	80
1974.	100	100	100

This article also provides for the elimination by the United States of the present 17 percent exchange tax and its replacement by a temporary special import levy which will be reduced at the rate of 1 percent per year beginning in 1957. The latter will apply to imports of invisibles as did the exchange tax.

Article II: The revised agreement modifies U.S. quotas on Philippine products by:

- a) Eliminating quotas on rice.
- b) Removing absolute quotas on cigars, scrap tobacco and buttons and providing a new and slower schedule for a progressive decrease in duty-free quotas on these products.
- c) Removing any impediment to possible future increase in absolute quotas on sugar.

Article V: The revised agreement eliminates the old article relating to limitations on changes in the Philippine exchange rate and on restrictions on transferability of funds. The new language substituted provides for Philippine implementation of U.S. proposals for reciprocal arrangements to facilitate the entry and stay in either country of persons classifiable as traders and investors.

Article VI: The obsolete terms of the old agreement relating to immigration are replaced in the revised agreement by the modified terms of former article VII. These terms mutualize as between citizens of both countries the right to use and exploit natural resources and operate public utilities on the basis of national treatment.

Article VII: The revised agreement contains here a new article providing for reciprocal nondiscrimination by either party against the citizens or enterprises of the other with respect to engaging in business activities.

Article VIII: The revised agreement inserts here security exceptions not previously contained.

Article IX: With deletion of obsolete terms, former article VII regarding implementing legislation in both countries is repeated here.

Article X: Old article IX providing for consultations on interpretation or application is amended to provide for consultations 3 years prior to termination.

Article XI: Obsolete portions of former terminating article X are deleted, leaving those portions applying to termination with the insertion of the effective date of the revisions.

Protocol: Some revised definitions are substituted.

C. INDOCHINA

United States Policy Regarding the Communist Threat in Indochina, 1950-1953

16. UNITED STATES RECOGNITION OF INCREASED SOVEREIGNTY IN THE STATE OF VIET-NAM: Note From the United States Ambassador-at-Large¹ to the Chief of State of Viet-Nam, January 27, 1950³

the French Republic at the beginning of this year,¹ and its best wishes for the future of the State of Viet Nam with looks forward to establishing a closer relationship. My Government believes that both the people of Viet Nam and the people are to be congratulated on this development.

The Secretary of State also asked me to express his personal assurance that Your Majesty will succeed in his present endeavors to bring about stability and prosperity in Viet Nam, which, Your Majesty is assured, my Government is following with close attention.

17. UNITED STATES RECOGNITION OF VIET-NAM AND CAMBODIA: Statement by the Department of State, January 7, 1950²

The Government of the United States has accorded diplomatic recognition to the Governments of the State of Viet Nam, the Kingdom of Laos, and the Kingdom of Cambodia.

The President, therefore, has instructed the American Ambassador at Saigon to inform the heads of Government of the State of Viet Nam, the Kingdom of Laos, and the Kingdom of Cambodia that we extend diplomatic recognition to their Governments and to forward to an exchange of diplomatic representatives between the United States and these countries.

Our diplomatic recognition of these Governments is based on the formal establishment of the State of Viet Nam, the Kingdom of Laos, and the Kingdom of Cambodia as independent states within the French Union; this recognition is consistent with our fundamental policy of giving support to the peaceful and democratic evolution of dependent peoples toward self-government and independence.

In June of last year, this Government expressed its gratification at the signing of the France-Viet Name agreements of which provided the basis for the evolution of Viet Name independence within the French Union. These agreements, together with similar accords between France and the Kingdoms of Laos and Cambodia, have now been ratified by the French National Assembly and signed by the President of the French Republic. This ratification has established the independence of Viet Nam, Laos, and Cambodia as associated states within the French Union.

It is anticipated that the full implementation of these basic agreements and of supplementary accords which have been negotiated and are awaiting ratification will promote political stability

like-minded nations, that this development shall not be hindered by internal dissension fostered from abroad.

The status of the American consulate general in Saigon will be raised to that of a legation, and the Minister who will be accredited to all three states will be appointed by the President.

18. EXTENSION OF MILITARY AND ECONOMIC AID: Statement by the Secretary of State, May 8, 1950 ¹

The [French] Foreign Minister² and I have just had an exchange of views on the situation in Indochina and are in general agreement both as to the urgency of the situation in that area and as to the necessity for remedial action. We have noted the fact that the problem of meeting the threat to the security of Viet Nam, Cambodia, and Laos which now enjoy independence within the French Union is primarily the responsibility of France and the Governments and peoples of Indochina. The United States recognizes that the solution of the Indochina problem depends both upon the restoration of security and upon the development of genuine nationalism and that United States assistance can and should contribute to these major objectives.

The United States Government, convinced that neither national independence nor democratic evolution exist in any area dominated by Soviet imperialism, considers the situation to be such as to warrant its according economic aid and military equipment to the Associated States of Indochina and to France in order to assist them in restoring stability and permitting these states to pursue their peaceful and democratic development.

19. ECONOMIC AID PROGRAM: Note From the American Chargé d'Affaires at Saigon ³ to the Chiefs of State of Viet-Nam, Laos, and Cambodia, May 24, 1950 ⁴

I have the honor to inform you that the Government of the United States has decided to initiate a program of economic aid to the States of Cambodia, Laos, and Vietnam. My Government has reached this decision in order to assist Cambodia, Laos, and Vietnam to restore stability and pursue their peaceful and democratic development.

With these purposes in mind, the United States Government is establishing, with headquarters in Saigon and associated with the United States Legation, a special economic mission to Cambodia

working with the Governments of Cambodia, Laos, and Vietnam with the French High Commissioner in developing and carrying out a coordinated program of economic aid designed to assist these countries in restoring their normal economic life. The American economic mission will, at all times, be subject to the authority of the Government of the United States and will become a part of the administrations of the Associated States.

The Government of the United States recognizes that this assistance will be complementary to the effort made by the Associated States and France, without any intention of substituting American aid is designed to reinforce the joint effort of the Governments and peoples of Cambodia, Laos, and Vietnam, to whom rests the primary responsibility for the restoration of peace and stability.

United States economic aid will be granted in accordance with separate bilateral agreements between each of the Associated States and the United States of America. The approval of these agreements will be subject to legal conventions existing between the United States and France. Initial economic aid operations, however, will begin prior to the conclusion of these agreements.

The United States Government is of the opinion that it is desirable for the three governments and the French High Commissioner to reach agreement among themselves for the coordination of those matters relating to the aid program that are of common interest. The American economic mission will maintain contact with the Associated States, with the French High Commissioner in Vietnam, and, if desired, with any body which may be set up by the Associated States and France in connection with the aid program.

Mr. Robert Blum has been appointed Chief of the United States special economic mission to Cambodia, Laos, and Vietnam.

Identical letters are being addressed today to the governments of Cambodia, Laos, Vietnam and the President of the French Republic.

[Military Aid to France and Indochina: Statement by the Secretary of State regarding Franco-American Conversations, October 1950, supra, pp. 1668-1669.]

20. THE MILITARY AID PROGRAM: Statement by the Secretary of State and the Secretary of Defense, September 23, 1950

Discussions which have been going on for the past weeks between the General of the Army, Jean de Lattre de Tassigny, French

southeast Asia. United States officials stated that General de Lattre's presentation of the situation in that area had been invaluable to them and had demonstrated that United States and French policies in the Associated States were not at variance.

In the course of the discussions with the Department of Defense the military-aid program for Indochina was reexamined, with the result that considerable improvement will be made in the rate of deliveries of many items of equipment. General de Lattre has been advised that the question of additional aid for the French and Viet-Nam forces in Indochina in the fiscal year 1952 program is under study by the United States Government.

21. THE DEFENSE OF INDOCHINA: Communiqué Regarding Discussions Between Representatives of the United States, France, Viet-Nam, and Cambodia, June 18, 1952¹

Mr. Jean Letourneau, Minister in the French Cabinet for the Associated States in Indochina, has just concluded a series of conversations with U.S. Government officials from the Department of State, Department of Defense, the Office of Director for Mutual Security, the Mutual Security Agency, and Department of the Treasury. The Ambassadors of Cambodia and Viet-Nam have also participated in these talks.

The principle which governed this frank and detailed exchange of views and information was the common recognition that the struggle in which the forces of the French Union and the Associated States are engaged against the forces of Communist aggression in Indochina is an integral part of the world-wide resistance by the Free Nations to Communist attempts at conquest and subversion. There was unanimous satisfaction over the vigorous and successful course of military operations, in spite of the continuous comfort and aid received by the Communist forces of the Viet-Minh from Communist China. The excellent performance of the Associated States' forces in battle was found to be a source of particular encouragement. Special tribute was paid to the 52,000 officers and men of the French Union and Associated States' armies who have been lost in this six years' struggle for freedom in Southeast Asia and to the 75,000 other casualties.

In this common struggle, however, history, strategic factors, as well as local and general resources require that the free countries concerned each assume primary responsibility for resistance in the specific areas where Communism has resorted to force of arms. The

that success in this continuing struggle would entail an the common effort and that the United States for its part fore, within the limitations set by Congress, take steps to aid to the French Union. It was further agreed that the assistance over and above present U.S. aid for Indochina, approximates one third of the total cost of Indochina, would be especially devoted to assisting France in the building national armies of the Associated States.

Mr. Letourneau reviewed the facts which amply demonstrate the determination of the Associated States to pursue with increased the strengthening of their authority and integrity both against subversion and against external aggression.

In this connection Mr. Letourneau reminded the participants of the accords of 1949,¹ which established the independence of the French Union of Cambodia, Laos and Viet-Nam, have been interpreted and supplemented by other agreements, thus confirming this independence. Mr. Letourneau pointed out that the governments of the Associated States now exercise full authority except for a strictly limited number of services related to the necessities of the war now in progress remain temporarily in French hands. In the course of the examination of the Far Eastern economic situation, it was noted that the Governments of the Associated States are free to negotiate trade treaties and agreements of all kinds with their neighbors subject only to whatever special arrangements may be agreed between members of the French Union.

It was noted that these states have been recognized by the majority of foreign governments.

The conversations reaffirmed the common determination of the participants to prosecute the defense of Indochina and their efforts to secure a free, peaceful and prosperous future for Cambodia and Viet-Nam.

Mr. Letourneau was received by the President, Mr. A. J. A. Mr. Foster, as Acting Secretary of Defense. Mr. Joseph P. Kamp, Assistant Secretary of State for Far Eastern Affairs, acted as spokesman of the U.S. Delegation participating in the conversations.

22. SUPPORT BY NATO OF THE FRENCH UNION EFFORTS IN INDOCHINA: Resolution Adopted by Atlantic Council, December 17, 1952 ²

The North Atlantic Council

HAVING BEEN INFORMED at its meeting in Paris on the 16th December of the latest developments in the military and political situation in Indo-China;

Expresses its wholehearted admiration for the valiant and long continued struggle by the French forces and the armies of the Associated States against Communist aggression; and

Acknowledges that the resistance of the free nations in South-East Asia as in Korea is in fullest harmony with the aims and ideals of the Atlantic Community;

And therefore agrees that the campaign waged by the French Union forces in Indo-China deserves continuing support from the NATO governments.

[For the text of the Franco-American communiqué of March 28, 1953, see *supra*, pp. 1672-1675.]

23. UNITED STATES SUPPORT OF LAOS AGAINST THE VIET MINH INVASION: Statement by the Department of State, April 17, 1953¹

The Royal Government of Laos has issued a statement drawing attention to the attack upon the territory of the Kingdom by Viet Minh troops and stating the determination of the Government, the army, and the people of Laos with the aid of French Union troops to resist this aggression.²

The Government of the United States is following developments with the closest attention. It expresses its sympathy with the people of Laos in their present emergency and its fervent wishes to them to their troops, and to those of the French Union in their efforts to resist and turn back the invaders. The United States will continue to provide and will study ways and means of making more effective its assistance to the Associated States of Indochina and to France in the struggle to destroy Communist aggression in Laos, Cambodia, and Vietnam.

24. UNITED STATES EMERGENCY AID TO LAOS AND THAILAND IN THE FACE OF VIET MINH AGGRESSION: Statement by the Secretary of State at a News Conference, May 9, 1953³

In view of the recent, rapid sequence of events in the Far East, I believe it would be appropriate to summarize for you our actions concerning developments in Laos and Thailand.

the free world to condemn the aggression, the United States statement of support and sympathy.¹

The urgent need for cargo aircraft to aid French and Laotians in meeting this aggression was discussed by me with French officials during our stay in Paris for the recent NATO meeting.²

Within 24 hours it was agreed at the highest level that such aircraft, if available, should be dispatched to Indochina. Within 48 hours the aircraft were located with the Far East Command. Within another 24 hours civilian operators were located to fly the aircraft because the French did not have crews accustomed to flying cargo planes and we did not desire that our military personnel be sent into the combat zone. The plan was actually put into effect within a few hours after our return from Paris, and the aircraft arrived at Hanoi on May 5 and were made operational in Laos.

Three days prior to the arrival of the aircraft in Hanoi, the United States announced on May 2³ that we were maintaining close contact with the Governments of Laos and of France regarding the developments of the situation and that the Mutual Security Administration Mission in Laos had made arrangements to help ease the economic problem by making available certain funds and supplies.

The Ambassador from Thailand, Pote Sarasin, came to Washington at 3:30 p.m. on Tuesday of this week, May 5, to discuss the situation confronting his country as a result of the Viet Minh invasion.

The Ambassador expressed his country's urgent need for arms and ammunition and for various military items urgently requested by the Thai Navy, Army, and Air Force, which requests have simultaneously been made through the U.S. Military Assistance Group and our Embassy at Bangkok. Within 24 hours of the Ambassador's request certain amounts of such ammunition were sent by the air on their way to Bangkok from the Pacific area, and it was taken to expedite delivery of the other military items.

These two instances illustrate a capacity for decision and action and of cooperative teamwork between the Department of State and Defense, which should, I believe, be gratifying to the American people. Also, they should be impressive to others, whether friends or aggressors.

25. THE CONSEQUENCES OF DIRECT CHINESE COMMUNIST INTERVENTION IN INDOCHINA: Address by the President of the United States of America, September 2, 1953 (Excerpt)⁵

communism to conquer freedom. More immediately it is part of that effort in Asia.

A single Chinese-Communist aggressive front extends from Korea on the north to Indochina in the south. The armistice in Korea, even if it leads to a political settlement in Korea, does not end United States concern in the western Pacific area. As President Eisenhower said in his April 16 speech,¹ a Korean armistice would be a fraud if it merely released Communist forces for attack elsewhere.

In Indochina a desperate struggle is in its eighth year. The outcome affects our own vital interests in the western Pacific, and we are already contributing largely in material and money to the combined efforts of the French and of Viet-Nam, Laos, and Cambodia.

We Americans have too little appreciated the magnitude of the effort and sacrifices which France has made in defense of an area which is no longer a French colony but where complete independence is now in the making. This independence program is along lines which the United States has encouraged and justifies increased United States aid, provided that will assure an effort there that is vigorous and decisive.

Communist China has been and now is training, equipping, and supplying the Communist forces in Indochina. There is the risk that, as in Korea, Red China might send its own army into Indochina. The Chinese Communist regime should realize that such a second aggression could not occur without grave consequences which might not be confined to Indochina. I say this soberly in the interest of peace and in the hope of preventing another aggressor miscalculation.

We want peace in Indochina, as well as in Korea. The political conference about to be held relates in the first instance to Korea. But growing out of that conference could come, if Red China wants it, an end of aggression and restoration of peace in Indochina. The United States would welcome such a development.

26. ADDITIONAL UNITED STATES AID FOR FRANCE AND INDOCHINA: Joint Franco-American Communiqué, September 30, 1953 ²

The forces of France and the Associated States in Indochina have for 8 years been engaged in a bitter struggle to prevent the engulfment of Southeast Asia by the forces of international communism. The heroic efforts and sacrifices of these French Union allies in assuring the liberty of the new and independent states of Cambodia, Laos and

The French Government is firmly resolved to carry out its declaration of July 3, 1953,¹ by which it announced its intention of perfecting the independence of the three Associated States of Indochina, through negotiations with the Associated States.

The Governments of France and the United States have agreed that, in support of plans of the French Government for intensified prosecution of the war against the Viet Minh, the United States will make available to the French Government prior to December 31, 1954 additional financial resources not to exceed \$500 million. This aid is in addition to funds already earmarked by the United States for aid to France and the Associated States.

The French Government is determined to make every effort to break up and destroy the regular enemy forces in Indochina. To this end the government intends to carry through, in close cooperation with the Cambodian, Laotian, and Vietnamese Governments, plans for increasing the Associated States forces while maintaining temporarily French forces to levels considered necessary for the success of existing military plans. The additional United States aid is designed to help make it possible to achieve these objectives with maximum speed and effectiveness.

The increased French effort in Indochina will not entail any permanent alteration of the French Government's plans for its NATO forces.

The Indochina Phase of the Geneva Conference

27. PLANS FOR THE GENEVA CONFERENCE ON KOREA AND INDOCHINA: Quadripartite Communiqué of the Berlin Conference, February 18, 1954²

A meeting of the Foreign Ministers of the United States, the United Kingdom, and the Soviet Union—Mr. John Foster Dulles, Mr. Georges Bidault, Mr. Anthony Eden, and M. Vyacheslav Molotov—took place in Berlin between January 25 and February 1, 1954. They reached the following agreements:

(A)

The Foreign Ministers of the United States, France,

...establishing that the establishment, by peaceful means, of a united and independent Korea would be an important factor in reducing international tension and in restoring peace in other parts of Asia.

PROPOSE that a conference of representatives of the United States, France, the United Kingdom, the Union of Soviet Socialist Republics, the Chinese People's Republic, the Republic of Korea, the People's Democratic Republic of Korea, and the other countries the armed forces of which participated in the hostilities in Korea, and which desire to attend, shall meet in Geneva on April 26 for the purpose of reaching a peaceful settlement of the Korean question;¹

AGREE that the problem of restoring peace in Indochina will also be discussed at the conference, to which representatives of the United States, France, the United Kingdom, the Union of Soviet Socialist Republics, the Chinese People's Republic, and other interested states will be invited.

It is understood that neither the invitation to, nor the holding of the above-mentioned conference shall be deemed to imply diplomatic recognition in any case where it has not already been accorded.

(B)

The Governments of the United States of America, of France, of the United Kingdom, and of the Union of Soviet Socialist Republics,

Convinced that the solution of international controversies necessary for the establishment of a lasting peace would be considerably aided by an agreement on disarmament, or at least on a substantial reduction of armaments,

WILL SUBSEQUENTLY HOLD an exchange of views to promote a successful solution of this problem as provided for in paragraph 6 of the United Nations resolution of November 28, 1953.²

The four Ministers have had a full exchange of views on the German question, on the problems of European security, and on the Austrian question. They were unable to reach agreement upon these matters.

28. VIEWS OF THE UNITED STATES ON THE EVE OF THE GENEVA CONFERENCE: Address by the Secretary of State, March 29, 1954³

This provides a timely occasion for outlining the Administration's thinking about two related matters—Indochina and the Chinese Communist regime.

¹ See *The Korean Problem at the Geneva Conference, April 26–June 15, 1954* (Department of State publication 5609; 1954) and *infra*, pp. 2695–2701.

² General Assembly Res. 715 (VIII); *infra*, pp. 2796–2798.

³ Made before the Overseas Press Club, New York; Department of State *Bulletin*, Apr. 12, 1954, pp. 539–542.

I

Indochina

Indochina is important for many reasons. First—and are the human values. About 30 million people are themselves the dignity of self-government. Until a few years ago they formed merely a French dependency. Now, their three units—Vietnam, Laos and Cambodia—are exercising a measure of independent political authority within the French Union. Each of the three is now recognized by the United States and more than 30 other nations. They signed the Japanese Peace Treaty with us. Their independence is not yet complete. But the U.S. Government last July³ declared its intention to complete independence, and negotiations to consummate that pledge are now under way.

The United States is watching this development with concern and great sympathy. We do not forget that we were won its freedom. We have sponsored in the Philippines a most successful development of political independence. We have a sense of kinship with those everywhere who yearn for freedom.

Communist Imperialism

The Communists are attempting to prevent the orderly development of independence and to confuse the issue before the Communists have, in these matters, a regular line which they laid down in 1924.

The scheme is to whip up the spirit of nationalism so that it becomes violent. That is done by professional agitators. Their work is enlarged by Communist military and technical leadership and the provision of military supplies. In these ways, international Communism gets a strangle-hold on the people and it uses the word "amalgamate" the peoples into the Soviet orbit.

"Amalgamation" is Lenin's and Stalin's word to describe this process.

"Amalgamation" is now being attempted in Indochina under the ostensible leadership of Ho Chi Minh. He was introduced to Moscow. He became an associate of the Russian, but the latter was organizing the Chinese Communist Party to bring China into the Soviet orbit. Then Ho turned his activities to Indochina.

Those fighting under the banner of Ho Chi Minh have been trained and equipped in Communist China. They

y the Skoda Munition Works in Czechoslovakia and transported across Russia and Siberia and then sent through China into Vietnam. Military supplies for the Communist armies have been pouring into Vietnam at a steadily increasing rate.

Military and technical guidance is supplied by an estimated 2,000 Communist Chinese. They function with the forces of Ho Chi Minh in key positions—in staff sections of the High Command, at the division level and in specialized units such as signal, engineering, artillery and transportation.

In the present stage, the Communists in Indochina use nationalistic anti-French slogans to win local support. But if they achieved military or political success, it is certain that they would subject the people to a cruel Communist dictatorship taking its orders from Peking and Moscow.

The Scope of the Danger

The tragedy would not stop there. If the Communist forces won uncontested control over Indochina or any substantial part thereof, they would surely resume the same pattern of aggression against other free peoples in the area.

The propagandists of Red China and Russia make it apparent that the purpose is to dominate all of Southeast Asia.

Southeast Asia is the so-called "rice bowl" which helps to feed the densely populated region that extends from India to Japan. It is rich in many raw materials, such as tin, oil, rubber and iron ore. It offers industrial Japan potentially important markets and sources of raw materials.

The area has great strategic value. Southeast Asia is astride the most direct and best developed sea and air routes between the Pacific and South Asia. It has major naval and air bases. Communist control of Southeast Asia would carry a grave threat to the Philippines, Australia and New Zealand, with whom we have treaties of mutual assistance.¹ The entire Western Pacific area, including the so-called "offshore island chain", would be strategically endangered.

President Eisenhower appraised the situation last Wednesday when he said that the area is of "transcendent importance".²

The United States Position

The United States has shown in many ways its sympathy for the gallant struggle being waged in Indochina by French forces and those of the Associated States. Congress has enabled us to provide material aid to the established governments and their peoples. Also

that a Korean armistice would be a fraud if it merely released aggressive armies for attack elsewhere. I said last September that Red China sent its own army into Indochina, that would have grave consequences which might not be confined to Indochina.

Recent statements have been designed to impress upon aggressors that aggression might lead to action at places of their own free world choosing, so that aggression would be less than it could gain.²

The Chinese Communists have, in fact, avoided the direct use of their own Red armies in open aggression against Indochina. They have, however, largely stepped up their support of the French in that area. Indeed, they promote that aggression by the threat of short of open invasion.

Under all the circumstances it seems desirable to clarify the United States position.

Under the conditions of today, the imposition on Southeast Asia of the political system of Communist Russia and its Chinese ally, by whatever means, would be a grave threat to the peace of the community. The United States feels that that possibility should not be passively accepted, but should be met by united action. Such action might involve serious risks. But these risks are far less than those that will face us a few years from now, if we dare not be resolute.

The free nations want peace. However, peace is not had without sacrifice. Peace has to be worked for and planned for. It is necessary to take risks to win peace just as it is necessary to take risks to win victory. The chances for peace are not bettered by letting a potential aggressor know in advance that aggression could lead him to victory.

I hope that these statements which I make here tonight will help to the cause of peace.

II

Communist China

Let me now discuss our political relations with Red China. I will first discuss the matter of recognition.

The United States does not recognize the Chinese Communist regime. That is well known. But the reasons seem not to be well known. Some think that there are no reasons and that the policy is actuated purely by emotion. Your Government believes that its position is soberly rational.

Non-Recognition

erally, it is useful that there should be diplomatic intercourse between those who exercise *de facto* governmental authority and it is well established that recognition does not imply moral approval.

President Monroe, in his famous message to Congress, denounced the expansionist and despotic system of Czarist Russia and its allies. But he said that it would nevertheless be our policy "to consider the government *de facto* as the legitimate government for us".¹ That has indeed been the general United States policy, and I believe that it is a sound general policy. However, where it does not serve our interests, we are free to vary from it.

In relation to Communist China, we are forced to take account of the fact that the Chinese Communist regime has been consistently and viciously hostile to the United States.

A typical Chinese Communist pamphlet reads: "We Must Hate America, because She is the Chinese People's Implacable Enemy" "We Must Despise America because it is a Corrupt Imperialist Nation, the World Center of Reaction and Decadency"; "We Must Look down upon America because She is a Paper Tiger and Entirely Vulnerable to Defeat".

By print, by radio, by drama, by pictures, with all the propaganda skills which Communism has devised, such themes are propagated by the Red rulers. They vent their hatred by barbarous acts, such as seizures and imprisonments of Americans.

Those responsible for United States policy must ask and answer "Will it help our country if, by recognition, we give increased prestige and influence to a regime that actively attacks our vital interests?" I can find only the answer "No".

Admission to the United Nations

Let us turn now to the matter of seating Red China in the United Nations. By the Charter, membership is supposed to be limited to "peace-loving" states. Therefore, it is relevant to recall that the Chinese Communist regime became an aggressor in the latter part of 1950. Its armies invaded Korea and waged war against the United Nations Command. They contributed largely to the killing, wounding or losing in action of about 500,000 soldiers of the United Nations Command, including over 100,000 Americans.

The United Nations General Assembly on February 1, 1951 voted 44 to 7, that the Chinese People's Republic was guilty of aggression in Korea.² It called upon it to withdraw its forces from Korea. But they still remain.

Korean Armistice.¹ But that was not a Chinese Communist offering. It was something that the United Nations Command. The Communists signed only after desperate and bloody fighting had failed to break the allied line, and only after the United Nations Command had made it apparent that the conflict, if continued, would bring into jeopardy valuable Communist military and political assets in nearby Manchuria.

The Chinese Communists' continuing lack of genuine willingness is being demonstrated in Indochina.

As one of the United Nations members who must pass on this question, we must ask "Will it serve the interests of world peace to bring into the United Nations a regime which is a convicted aggressor which has not purged itself from that aggression, and which is bent on to promote the use of force in violation of the principles of the United Nations?" I can find only the answer "No".

Free China on Formosa

There is still another aspect of this China matter. We must not forget that the National Government of China continues to exist in Formosa and millions of free Chinese are gathered there under its jurisdiction. It has the allegiance of many more. They are our loyal friends and allies when, during World War II, they stood up to each other.

Should the free nations facilitate and encourage the bloc strategy promoted by the Chinese Communists of these free Chinese citizens? To me again, the only answer is "No".

Experience with Communist Promises

Some say that the United States should recognize the Communist regime and welcome it to the United Nations, in fulfillment of its promises in relation to Korea and Indochina.

The United States must judge that proposal on the basis of past experience.

The United States agreed to recognize the Soviet regime in 1945, relying on its promise, in the so-called Litvinov agreement, to refrain from and prevent political action from Russia against our political system and order. We performed and granted recognition. But the results we received were vain.

At Yalta, in February 1945, Britain and the United States gave their sanction to the fact of dominant Soviet influence in Central Europe. They did so on the basis of a Soviet agreement that the liberated European countries would have the right "to choose the form of government under which they will live", and that in Poland the

¹ Armistice agreement of July 27, 1953; *supra*, pp. 724-750.

² See *Foreign Relations of the United States: The Soviet Union, 1947*, pp. 27-37.

free and unfettered elections as soon as possible".¹ But those promises we received were vain.

There was also a Yalta Agreement with reference to the Far East. The United States agreed to obtain for the Soviet Union control of Port Arthur, Dairen and the Manchurian Railroad. In exchange the Soviet Union promised to support the National Government of China. This arrangement was consummated at Moscow in August 1945.² Then the Soviet Government acquired from China the Manchurian assets that had been promised it. In return it gave a 30-year engagement "to render to China moral support and aid in military supplies and other material resources, such support and aid to be entirely given to the National Government as the central government of China."³

Having gained what it wanted the Soviet Government then moved promptly to assist the Chinese Communist regime in its efforts to overthrow the National Government. It gave to the Chinese Communist forces vast stocks of military supplies and other material resources which it had promised to give entirely to the National Government.

In this matter again we gave performance. But the corresponding Communist promises proved vain.

Our experience with Chinese Communist promises is limited because we have with them only one agreement. That is the Korean Armistice. The United Nations Command has reported that the Communists have violated it 40 times. That only tells part of the story or the basic violation is that the Swedish and Swiss members of the Supervisory Commission are denied an adequate opportunity to supervise the North and to detect Communist violations.⁴

The United States recognizes that few nations have a record which is not marred by some violations of agreements. Also, we recognize that nothing human is immutable. Surely, there is nothing vindictive or implacable about the American people. Indeed, few people are as ready as we to forgive and forget. But it would be reckless for us to ignore the events of recent years which have filled our archives with vain promises. We are not in the market for more.

It is now the policy of the United States not to exchange United States performance for Communist promises.

That United States position was made clear at the recent Berlin Conference. There, by standing firm, I finally obtained the reluctant

¹ See Section II, "Declaration on Liberated Europe," and Section VII "Poland," of the Protocol of Proceedings of the Crimea Conference, Feb. 11, 1945; *Decade of American Foreign Policy*, pp. 29 and 30-31.

be a "Big Five Conference" and that the invitation to C itself specify that neither the invitation to, nor the hol conference should be deemed to imply diplomatic recogni had not already been accorded.²

The Chinese Communist regime has been invited on Korea and Indochina, where it is in fact a force of aggress cannot ignore. It gets no diplomatic recognition from u of its presence at Geneva. I said at Berlin: "It . . . is recognize evil as a fact. It is another thing to take evil to and call it good."³ That we shall not do.

The Dangers Ahead

The United States Delegation will go to Geneva in an e about a united and independent Korea, from which China will have withdrawn its army of invasion. Also, any Indochina discussion will serve to bring the Chinese to see the danger of their apparent design for the conqu east Asia, so that they will cease and desist. We shall r be disposed to give Communist China what it wants fro to buy its promises of future good behavior.

Some, perhaps, would have it otherwise. But we da that during the period when we accepted Communist pro face value, and took for granted their peaceful intention steadily grew.

We can, I think, take a lesson from Dien Bien Phu.⁴ F there has seemed to be a lull. But in fact the danger mounted. The enemy sappers have never ceased their have burrowed and tunneled to gain forward positions inner citadels can be subjected to mass assault from close

Today the free world also feels a sense of lull. The dan war seems to have receded. I hope that that is so. If because the free nations saw the danger and moved u courage and decision, to meet it.

There is, however, no reason for assuming that the da manently passed. There is nothing to prove that the munist rulers accepted peace as permanent, if permanent block their ambitions. They continue unceasingly to tunnel to advance their positions against the citadels

In Europe, Soviet Russia holds its grip on Eastern C Austria and maneuvers recklessly to prevent reconcilia

¹ i. e., the Geneva conference on the problems of Korea and

² See the quadripartite communiqué of Feb. 18, 1954, *supra*, d

³ Statement of Jan. 26, 1954; *Foreign Ministers Meeting: Ber January 25-February 18, 1954* (Department of State publicatio p. 28.

⁴ The French-held bastion in Indochina under siege by the for Minh.

France and Germany. In Asia, the whole area from Japan and Korea to Southeast Asia is troubled by Communist efforts at penetration.

As against such efforts, there is only one defense—eternal vigilance, sound policies and high courage.

The United States is a member of a goodly company who in the past have stood together in the face of great peril and have overcome it. If we are true to that past, we can face the future with hope and confidence.

29. VIEWS OF THE UNITED STATES AND FRANCE ON THE EVE OF THE GENEVA CONFERENCE: Joint Statement by the Secretary of State and the French Foreign Minister, April 14, 1954

Following their conversations in Paris on April 14th, the United States Secretary of State, Mr. John Foster Dulles, and the French Minister of Foreign Affairs, M. Bidault, issued the following statement:

For nearly two centuries it has been the practice for representatives of our two nations to meet together to discuss the grave issues which from time to time have confronted us.

In pursuance of this custom, which we hope to continue to the benefit of ourselves and others, we have had an exchange of views on Indochina and Southeast Asia.

Mr. Dulles expressed admiration for the gallant fight of the French Union forces, who continue with unshakeable courage and determination to repel Communist aggression.

We deplore the fact that on the eve of the Geneva Conference this aggression has reached a new climax in Viet-Nam particularly at Dien-Bien-Phu and has been renewed in Laos and extended to Cambodia.

The independence of the three Associated States within the French Union, which new agreements are to complete, is at stake in these battles.

We recognize that the prolongation of the war in Indochina, which endangers the security of the countries immediately affected, also threatens the entire area of Southeast Asia and of the Western Pacific. In close association with other interested nations, we will examine the possibility of establishing, within the framework of the United Nations Charter, a collective defense to assure the peace, security and freedom of this area.

We recognize that our basic objective at the Geneva Conference will be to seek the re-establishment of a peace in Indochina which will

30. PREPARATIONS FOR THE INDOCHINA PHASE OF THE GENEVA CONFERENCE: Statement by the President, 1954¹

With the return of the Secretary of State from Geneva, of course be a series of conferences on foreign affairs both within the Executive Department and between the Secretary of State and various groups of the Congress. Because of these forthcoming conferences and the probability that the Secretary of State will have something to say, and because, also, of the delicate nature of the issues now pending before the Geneva Conference, I am making my comments on the Indochina situation to a brief written statement.

United States foreign policy has consistently supported the principles on which was founded the United Nations. A basic principle of this policy was the Vandenberg Resolution of 1948.² The United States believes in assuring the peace and integrity of nations through collective action and, in pursuance of the United Nations Charter, has entered into regional security agreements with other nations. Examples are the Inter-American Agreement,³ the Manila Pact,⁴ and a whole series of pacts in the Pacific.⁵ These agreements are invariably to assure the peaceful security of the nations and to prevent likelihood of attack; they are not agreements designed primarily for waging war.

The Geneva Conference, now 9 days old, has produced no results. The expressed fears of some have proved unfounded.

It has not been a "five-power" conference as the Communists tried to make it.

It has not involved establishing express or implied recognition by the United States of the Chinese Communist Government.

The Korean phase of the Conference has been organized so that the Communists came up with a scheme for Korean unification which was a Chinese copy of the Soviet scheme for the unification of Germany.⁶ Under their proposal no election measures could be taken without Communist consent, and there could be no improvement in the election conditions or of the voting.

This scheme was rejected for Germany.⁷ Secretary of State Acheson said that it is equally unacceptable to the Republic of China.

¹ Made at a news conference; Department of State *Bulletin*, 1954, p. 740.

² S. Res. 239, 80th Cong., 2d sess., June 11, 1948; *A Decade of American Foreign Policy*, p. 197.

³ Treaty of Sept. 2, 1947; *supra*, pp. 789-796.

United Nations members which took part in the Korean War under the United Nations Command now represented at Geneva.

The Indochina phase of the Conference is in process of being organized and the issues have not yet been clarified. In this matter a large measure of initiative rests with the Governments of France, Viet-Nam, Laos, and Cambodia, which are the countries most directly concerned.

Meanwhile plans are proceeding for the realization of a Southeast Asia security arrangement. This was publicly suggested by Secretary Dulles in his address of March 29.¹ Of course, our principal allies were advised in advance. This proposal of the Secretary of State was not a new one; it was merely reaffirmation of the principles that have consistently guided our postwar foreign policy and a reminder to interested Asian friends that the United States was prepared to join with others in the application of these principles to the threatened area. Most of the free nations of the area and others directly concerned have shown affirmative interest, and conversations are actively proceeding.

Obviously, it was never expected that this collective security arrangement would spring into existence overnight. There are too many important problems to be resolved. But there is a general sense of urgency. The fact that such an organization is in process of formation could have an important bearing upon what happens at Geneva during the Indochina phase of the Conference.

The countries of the area are now thinking in constructive terms, which include the indispensable concept of collective security. Progress in this matter has been considerable and I am convinced that further progress will continue to be made.

31. MIDWAY IN THE GENEVA CONFERENCE: Address by the Secretary of State, May 7, 1954²

I welcome this opportunity to talk with you about the Conference now going on in Geneva³ and the related aspects of our foreign policy.

First of all, I join with you in paying tribute to the gallant defenders of Dien-Bien-Phu.⁴ May it be given us to play a worthy part to defend the values for which they gave their lives.

This week I returned from the Geneva Conference. My return was not connected with any developments at the Conference. As long ago as last February when the Conference was called, I said I would attend

Since the Conference may last for some weeks, I did not feel able to stay with it that long. I have been out of the United States during much of the last 6 months to attend the Bermuda Conference,¹ the Berlin Conference,² the Caracas Conference,³ and two NATO Council meetings in Paris.⁴ These meetings strengthen the links with our allies and enable us to present the position of the United States to others. But the Secretary of State must also keep in close touch with our own people and with the Congress. In order to exercise our full influence in foreign affairs, the Government must have the understanding and support of the American people for its policies.

The Geneva Conference has two tasks. The first is to try to find a way to unify Korea. The second task is to discuss the possibility of restoring peace in Indochina.

The Soviet delegation, however, has sought to use the Conference for other purposes. By various devices, it has tried to create the false impression that this meeting accepted Red China as one of "five great powers" or conferred on it a new international status.

Both of these issues had been fought out in connection with calling the Conference and the Soviets had then conceded that the Conference would not be a five-power affair nor involve any recognition for Red China. We and our allies stood firmly and solidly on that position and the Soviets ended by accepting it.

By the time I left Geneva, the Korean phase of the Conference had been organized and was well under way. I will speak first of that and then of Indochina where the fighting is still active and where the question of possible United States participation has to be considered.

For many years Korea has been the pawn of great powers. Russia, Japan, and China have abused and exploited Korea and kept its peoples in servitude. The Koreans now want only to be united and free and left alone. Yet, in fact, Korea is divided, and North Korea lives under the Chinese Communist yoke. In all decency it would seem that the Communists should allow the Korean people at long last to live their own lives and to satisfy their aspirations for freedom.

When the Geneva Conference was organized, the Communists put up their program for uniting Korea.⁵ Unhappily it was not a program to satisfy the desires of the Korean people for unity and freedom. It was, as President Eisenhower said,⁶ "a Chinese copy" of the Soviet scheme for the unification of Germany.⁷ Their idea is to have elections so set up that the Communists can dictate the outcome and thus impose their rule upon the whole country.

In the case of Germany, the Communists control Eastern Ger

¹ See communiqué of Dec. 7, 1953; *supra*, pp. 1468-1470.

many, with about one-fourth of the total German population. In the case of Korea, they control about one-sixth of the total Korean population. They insist, however, in both cases, that this gives them the right to equal participation in determining the election conditions. Also, they stipulate that there must be no impartial supervision or observation of the elections to be sure that they are fair and free of coercion.

The Communists feel confident that under these conditions they can make their candidates seem to win.

This scheme, when offered for Germany, was turned down by the Federal Republic of Germany and by the three Western Powers at Berlin.¹ The same scheme is equally objectionable for Korea.

I can assure you that the United States delegation will do all that lies within its power to promote, by peaceful means, the independence and freedom and unity of Korea.

More than 140,000 Americans were killed or wounded under the United Nations Command to keep Korea from being overrun by armed invasion. I promise you that we shall not surrender at the council table at Geneva the freedom for which so many fought and died.

We are pressing the Communists to accept honest elections which will be supervised by responsible outside observers, who will assure a really free election. Whether the Communists accept that remains to be seen. If they would, then I think that Korea could be unified.

Let me turn now to the problem of Southeast Asia. In that great peninsula and the islands to the south live nearly 200 million people in 7 states—Burma; the three states of Indochina—Laos, Cambodia, and Viet-Nam; Thailand; Malaya; and Indonesia. Communist conquest of this area would seriously imperil the free world position in the Western Pacific. It would, among other things, endanger the Philippines, Australia, and New Zealand, with all of which the United States has mutual-security treaties.² It would deprive Japan of important foreign markets and sources of food and raw materials.

In Viet-Nam, one of the three Indochinese states, war has been going on since 1946. When it began, Indochina was a French colony just liberated from Japanese occupation. The war started primarily as a war for independence. What started as a civil war has now been taken over by international communism for its own purposes. Ho Chi-Minh, the Communist leader in Viet-Nam, was trained in Moscow and got his first revolutionary experience in China.

In the name of nationalism, the Communists aim to deprive the people of Viet-Nam of their independence by subjecting them to the new imperialism of the Soviet bloc.

The Indochina area was vulnerable. The Government of Viet-Nam, Laos, and Cambodia had not yet received full independence. Their peoples were not adequately organized against the Communist-led rebels, and they did not feel they had a stake in the struggle which justified great sacrifices.

President Eisenhower became familiar with the problem of Indochina while he was the Supreme Commander of NATO in Europe. He was aware of the strain and the drain which the Indochina war put on France. He was aware of the growing discontent in France over the long war where the French were assuming the principal burden of the fight and where human and material costs were mounting.

I recall in December 1952 when General Eisenhower, before he was elected, was returning from his Korean trip on the cruise ship *USS Intrepid*, and he discussed gravely the problem of Indochina.

We realized that if Viet-Nam fell into hostile hands, the neighboring countries remained weak and divided, the Communists could move on into all of Southeast Asia. For that reason, the Eisenhower administration from the outset gave priority attention to the problem of Southeast Asia.

Our efforts took two complementary lines. We sought to strengthen the resistance to communism in Indochina. We sought to create in Southeast Asia a broader community of defense.

INDOCHINA MEASURES

In Indochina itself, the following steps seemed to us to be essential:

1. The French should give greater reality to their promises. They should grant full independence to Viet-Nam, Laos, and Cambodia. This would take away from the Communists their false claim that they were fighting for independence.

2. There should be greater reliance upon the national forces. The peoples would be fighting in their own homeland. This, we believed, could be done if the peoples felt that they had a good cause to fight and if better facilities for training and equipment were provided for them.

3. There should be greater free-world assistance. The free world should be carrying on a struggle which was overburdening her own resources.

Much progress was made in each of these respects. In the declaration of July 3, 1953, pledged full independence to Viet-Nam, Laos, and Cambodia.¹ Already, a treaty of independence was concluded with Laos,² and Emperor Bao Dai told me a few weeks ago, that he felt that Viet-Nam was assured of its independence.

States, which was already paying part of the cost of the war, agreed to bear the greater part of the total cost.¹ We are now paying at the rate of about \$800 million a year, plus a very large provision for military equipment.

Despite the gains on these fronts, there has been a growing belief by the French people that France was overextended, in view of its responsibilities in Asia, in Africa, and in Europe. As a result, when I met in Berlin last January and February with the Foreign Ministers of France, Great Britain, and the Soviet Union, the French Government asked that the projected conference on Korea be expanded to discuss also the problem of peace in Indochina.²

Shortly after the Berlin Conference adjourned, the Communists, as was to be expected from them, began to expend their military assets—human and material, in a desperate effort to win some victory which they would exploit for political purposes. They concentrated on a mass assault against one of the French outposts—that of Dien-Bien-Phu. That assault was pushed with a callous disregard of human life.

Now, Dien-Bien-Phu has fallen. Its defense, of 57 days and nights, will go down in history as one of the most heroic of all time. The defenders, composed of French and native forces, inflicted staggering losses on the enemy. The French soldiers showed that they have not lost either the will or the skill to fight even under the most adverse conditions. It shows that Viet-Nam produces soldiers who have the qualities to enable them to defend their country.

An epic battle has ended. But great causes have, before now, been won out of lost battles.

The Chinese Communists have been supplying the forces of Viet Minh rebels with munitions, trucks, anti-aircraft guns, radar, and technical equipment and technical advisers. They have, however, stopped short of open intervention. In this respect, they may have been deterred by the warnings which the United States has given that such intervention would lead to grave consequences which might not be confined to Indochina.³

COLLECTIVE DEFENSE

Throughout this period the United States has also followed the second course of trying to develop strength in Southeast Asia through collective measures.

Back in 1951, I negotiated treaties with the Philippines, Australia, and New Zealand. These recognized that this area was one of vital importance to the United States. These treaties also recognized that

This we have constantly sought. However, it has proved difficult to achieve this result. There were differences of race and differences in the development of national self-government in countries which had won or were winning their independence. Western colonialism and Japanese imperialism were often concerned with past dangers from which they were extricating themselves rather than with the threat of new peril. The memories of the past drew them to the present perils of Communist imperialism. They were not disposed to make the sacrifices inherent in any collective defense system.

However, this situation began to change and by the summer of 1954 it seemed that there could be a broader program for collective defense.

On March 29, 1954, after consultations with Congress and the military, both parties, and after having advised our principal allies, the President declared: "The imposition on Southeast Asia of the political system of Communist Russia and its Chinese Communist ally, by which the free States would be a grave threat to the whole free community. The United States feels that that possibility should not be passively accepted. It should be met by united action."¹

This declaration was nothing new, although the circumstances at the moment gave the words a new significance.

President Eisenhower speaking almost a year earlier, in a speech of April 16, 1953, had said that "aggression in Korea and in China and in Asia are threats to the whole free community to be met by united action."²

After having explained our purposes to the American people, we promptly conferred with the representatives of nine free nations of immediate interest in the area, namely, Viet-Nam, Laos, Cambodia, Thailand, the Philippines, Australia and New Zealand, and the United Kingdom. We informed others whose interests might be affected.

The Governments of the United Kingdom and of France invited us to visit their capitals to develop further our concept of collective defense. At conferences at London on April 12 and 13 with Sir Winston Churchill and Mr. Eden, we issued a joint U.S.-U.K. communiqué³ reciting the danger to the entire area of Southeast Asia and the Western Pacific caused by Communist warfare in Indochina. "Accordingly we are ready to take part, with the other States principally concerned, in an examination of the possibility of organizing a collective defense, within the framework of the Charter of the United Nations, to assure the peace, security and freedom of the Asian and the Western Pacific."

sought. We had never sought any sudden spectacular act such as a ultimatum to Red China. Our goal was to develop a basic unity of constructive purpose. We advanced toward that goal. I feel confident that unity of purpose persists, and that such a tragic event as the fall of Dien-Bien-Phu will harden, not weaken, our purpose to stay united.

The United States and other countries immediately concerned are giving careful consideration to the establishment of a collective defense. Conversations are taking place among them. We must agree as to who will take part in the united defense effort, and what their commitments will be.

It must be recognized that difficulties have been encountered, but this was expected. The complexity of the problem is great. As we have pointed out, the complications were such that it was not possible even to get started until recent months. Under all the circumstances I believe that good progress is being made. I feel confident that the outcome will be such that Communist aggression will not be able to gain in Southeast Asia the results it seeks.

This may involve serious commitments by us all. But free people will never remain free unless they are willing to fight for their vital interests. Furthermore, vital interests can no longer be protected merely by local defense. The key to successful defense and to the deterring of attack is association for mutual defense. That is what the United States seeks in Southeast Asia.

CURRENT HOSTILITIES IN VIET-NAM

The question remains as to what we should do about the current hostilities in Viet-Nam.

In Korea we showed that we were prepared under proper conditions to resort to military action, if necessary, to protect our vital interests and the principles upon which stable peace must rest.

In Korea, we, along with others, joined in the defense of an independent government, which was already resisting an armed assault. We did so at the request of the Republic of Korea and under a United Nations mandate. The Korean people were inspired by a deep sense of patriotism and eager to develop a power of their own. The issues were clarified before the world by decisions of the United Nations. Under these circumstances, we and our allies fought until the enemy sued for an armistice.

In Indochina, the situation is far more complex. The present conditions there do not provide a suitable basis for the United States to participate with its armed forces.

hostilities continue, then the need will be even more urgent conditions for united action in defense of the area.

In making commitments which might involve the use of a the Congress is a full partner. Only the Congress can do. President Eisenhower has repeatedly emphasized that he will not take military action in Indochina without the support of the Congress. Furthermore, he has made clear that he would not seek that in his opinion, there would be an adequate collective effort based upon genuine mutuality of purpose in defending vital interests.

A great effort is being made by Communist propaganda to present it as something evil if Asia joins with the nations of the Americas and Europe to get assistance which will help the peoples of Asia to secure their liberty. These Communist nations have, in this connection, adopted the slogan "Asia for the Asians."

The Japanese war lords adopted a similar slogan when they sought to subject Asia to their despotic rule. The similar theme of "Europe for the Europeans" was adopted by Mr. Molotov at the Berlin Conference when he proposed that the Europeans should seek security by making commitments which would send the United States back home.

Great despotic powers have always known that they could not do their will and gain their conquests if the free nations stand united. None helps the other.

It should be observed that the Soviet Communist aggression in Europe took place only against countries which had no adequate security arrangements. Since the organization of the North Atlantic Treaty, there has been no successful aggression in Europe.

Of course, it is of the utmost importance that the United States participation in creating collective security in Asia should be on a basis which recognizes fully the aspirations and cultures of the various peoples. We have a material and industrial strength which is unique and which is an essential ingredient of security. Also we have cultural and spiritual values of their own which make them superior by every moral standard.

The United States, as the first colony of modern history to achieve independence for itself, instinctively shares the aspirations for liberty of the dependent and colonial peoples. We want to help, not hinder, the spread of liberty.

We do not seek to perpetuate Western colonialism and we regard as more intolerable the new imperialist colonialism of communism.

That is the spirit that animates us. If we remain true to it, we can face the future with confidence that we shall be able to deal with those moral forces which ultimately prevail.

¹ At his press conference on Mar. 10, 1954, President Eisenhower said: "I am going to be no involvement of America in war unless it is a result of a constitutional process that is placed upon Congress to declare it" (*Times*, Mar. 11, 1954).

32. CONDITIONS FOR UNITED STATES DIRECT INTERVENTION IN INDOCHINA: Transcript of a News Conference of the Secretary of State, May 25, 1954 (Excerpt) ¹

At his news conference on May 25, a correspondent recalled to Secretary Dulles his report to the Nation following his return from Geneva ² in which he set forth the conditions under which the United States intervened in Korea. Mr. Dulles was asked to relate those conditions to the Indochina situation. Mr. Dulles made the following reply:

I pointed out, I think, the existence of certain conditions in the case of Korea, and I went on to say that the situation in Indochina was different and more complex.

I think that broadly speaking the attitude of the United States toward this situation has been made clear by statements which the President has made and which I have made. I think it is fair to say that the United States attitude in this matter has been one of the few stable aspects in an otherwise changing and fluid situation.

The position of the United States toward collective security in Southeast Asia has been known basically for quite a long while. In fact, it really goes back to the time when I went out to the Far East in, I think, January of 1951 on a mission to try to create a collective security pact in that area. That effort failed at that time in the sense that we were not able to put together a collective security arrangement of any large proportions, and we ended with a series of separate pacts—one with Japan, one with Australia and New Zealand, and another with the Philippines. But there was not a regional security pact created at that time.

Then I think I pointed out that, in his great address of April 16 of last year, President Eisenhower made a statement which did not attract at the time the attention it deserved perhaps because of other aspects of his speech where he referred to Korea and Southeast Asia and said there should be united action for the defense of Southeast Asia.³

I repeated that statement in my March 29 speech after having previously discussed it with congressional leaders and with our principal allies.

The general conditions under which the United States is prepared to participate in collective defense there or elsewhere, for that matter, are quite well known. We are willing to participate in collective defense basically upon the terms that are laid down by the Vandenberg Resolution of June 1948,⁴ which laid down basic conditions under which the United States would be prepared to participate on the basis of

only going to go in for defense of liberty and independence.

We don't go in alone; we go in where the other nations have an important stake in the area recognize the peril as we do.

We go in where the United Nations gives moral sanction to our action.

All of those conditions are known. They have been known for a long time. They are a basic part of American foreign policy, and they are. President said in one of his press conferences, a "stable" element in the situation.

Mr. Dulles was then asked what was initiated by this Government during the period between March or April of 1953 and May of this year about a Southeast Asian pact. He replied:

We did have conversations, particularly with the French representatives of the Associated States who under conditions existing were apt to form the core of any defensive action in the area.¹

A correspondent recalled that one of the conditions laid out by Mr. Dulles in his speech of May 7 was to give independence to the Associated States. The correspondent said that France and the Associated States had initialed proposed treaties of independence and association. He asked Mr. Dulles how far those treaties go toward meeting the conditions. Mr. Dulles made the following reply:

I think what France is doing will, from what you mean, from a juridical standpoint, be a very large step in fulfillment of the promise of July 3 of last year of complete independence to the Associated States. The main difficulty, I would say, at the present moment is not a juridical as it is the translation of legal documents into a form which is acceptable to the peoples of Viet-Nam, Laos, and Cambodia that have an independence for which it is worthwhile for them to live, and, if need be, to die.

It takes time to translate papers that are signed in Paris with a living spirit; and it also takes time to overcome a certain feeling of fear on the part of many of the Asian nations that France is not really keeping its promises. I believe the French are going a long way toward that path—perhaps from a legal standpoint as far as it is either necessary or necessary to go at the present time. But it is one thing to have the letter and another thing to have the spirit, and I would say at the present moment the principal deficiency is a translation of the spirit of the promise into the area and in the conduct of the French people in relation

United States had any plans for seeking that kind of sanction from the United Nations. Mr. Dulles answered:

There have been discussions off and on, I am sorry to say more off than on, over the past year or more with reference to bringing the United Nations into this situation. At the moment the prospects look somewhat better than they have recently, but in the past we have been very close to the United Nations action without its being actually taken. So I don't want to forecast at the present time.

Asked if we would support any appeal to the United Nations for a peace mission or observation mission to be sent into the Southeast Asian area, replied:

I believe if such an appeal were made, the United States would support it.¹

Mr. Dulles was asked if the United States had before it any request from the French Government for intervention in Indochina. He replied:

No, the French Government has made no such request of the United States. They have had some conversations to explore the conditions under which that might be possible, and in that respect the French have been told much the same thing that has been publicly said by the President and me as to the conditions, which as I say have been stable and unchanging over a considerable period of time, under which such intervention would be considered possible. Of course, let me make clear that one of the conditions which we have always stood on is that there must be congressional sanction to any such action.

3. THE THREAT OF DIRECT CHINESE COMMUNIST INTERVENTION IN INDOCHINA: Address by the Secretary of State, June 11, 1954 (Excerpt) ²

At the moment, Indochina is the area where international communism most vigorously seeks expansion under the leadership of Ho Chi-Minh. Last year President Eisenhower, in his great "Chance for Peace" address,³ said that "aggression in Korea and Southeast Asia are threats to the whole free community to be met by united action." But the French were then opposed to what they called "internationalizing" the war. They preferred to treat it as a civil war of rebellion.

declaration of independence for the three Associated States. In September it adopted the so-called Navarre plan,² which called for a rapid buildup of national native forces. The United States agreed to underwrite the costs of this plan.³

But last winter the fighting was intensified and the losses began to tell in terms of the attitude of the French people. The war then in its eighth year. Last March, after the siege of Bien-Phu had begun, I renewed President Eisenhower's promise that we seek conditions which would permit a united defense for Indochina. I went to Europe on this mission, and it seemed that there was agreement on our proposal.⁴ But when we moved to translate the proposal into reality, some of the parties held back because they concluded that any steps to create a united defense should wait for the results of the Geneva Conference.

Meanwhile, the burdens of a collective defense in Indochina mounted. The Communists have practiced dilatory negotiations at Geneva, while intensifying their fighting in Indochina. The French and national forces feel the strain of mounting enemy power on the front and of political uncertainty at their rear. I told the United States Foreign Relations Committee last week that the situation is not by no means hopeless.⁵ The future depends largely on what is awaited at Paris, London, and Geneva.

The situation in Indochina is not that of open military aggression by the Chinese Communist regime. Thus, in Indochina, the problem is one of restoring tranquillity in an area where disturbances are caused by the Communists from Communist China, but where there is no open invasion by Communist China. This task of pacification, in our opinion, cannot be successfully met merely by unilateral armed intervention. Other conditions need to be established. Throughout the Indochina developments, the United States has held to a consistent course and has made clear the conditions which, in its view, might justify intervention. These conditions were and are: (1) an invitation from the present lawful authorities; (2) clear assurance of complete independence to Laos, Cambodia, and Vietnam; (3) evidence of concern by the United Nations; (4) a joining in the collective effort of some of the other nations of the area; and (5) that France will not itself withdraw from the battle until it is victorious.

Only if these conditions were realized could the President and the Congress be justified in asking the American people to make sacrifices incident to committing our Nation, with others, to the force to help to restore peace in the area.

¹ For the text of the French declaration, see *Documents on American Foreign Policy*, 1950-1955, pp. 100-101.

Another problem might, however, arise. If the Chinese Communist regime were to show in Indochina or elsewhere that it is determined to pursue the path of overt military aggression, then the situation would be different and another issue would emerge. That contingency has already been referred to publicly by the President and myself. The President, in his April 16, 1953, address, and I myself in an address of September 2, 1953,¹ made clear that the United States would take a grave view of any future overt military Chinese Communist aggression in relation to the Pacific or Southeast Asia area. Such an aggression would threaten island and peninsular positions which secure the United States and its allies.

If such overt military aggression occurred, that would be a deliberate threat to the United States itself. The United States would of course invoke the processes of the United Nations and consult with its allies. But we could not escape ultimate responsibility for decisions closely touching our own security and self-defense.

There are some, particularly abroad, who seem to assume that the attitude of the United States flows from a desire for a general war with Communist China. That is clearly false. If we had wanted such a war, it could easily have been based on the presence of Chinese aggressors in Korea. But last July, in spite of difficulties which at times seemed insuperable, we concluded a Korean armistice with Communist China.² How could it be more surely demonstrated that we have both the will to make peace and the competence to make peace?

Your Government wants peace, and the American people want peace. But should there ever be openly launched an attack that the American people would clearly recognize as a threat to our own security, then the right of self-preservation would demand that we—regardless of any other country—meet the issue squarely.

It is the task of statesmanship to seek peace and deter war, while at the same time preserving vital national interests. Under present conditions that dual result is not easy to achieve, and it cannot be achieved at all unless your Government is backed by a people who are willing, if need be, to sacrifice to preserve their vital interests.

At the Geneva Conference I said: "Peace is always easy to achieve—by surrender."³ Your Government does not propose to buy peace at that price. We do not believe that the American people want peace at that price. So long as that is our national will, and so long as that will is backed by a capacity for effective action, our Nation can face the future with that calm confidence which is the due of those who, in a troubled world, hold fast that which is good.

¹ *Supra*, doc. 25.

² Armistice of July 27, 1953; *supra*, pp. 724-750.

³ Statement of Apr. 28, 1954; *infra*, pp. 2685-2692.

34. INCREASED MILITARY AID TO THAILAND

Released by the Department of Defense, July 13

The Department of Defense on July 13 announced of increased military aid and technical assistance to the of Thailand.

As a result of staff talks recently concluded between of Defense officials and a Thai military mission headed Dhanarajata, Deputy Defense Minister and Command the Royal Thai Army, a new and additional military-program has been approved for the Thais so as to increase of the Thai armed forces to resist aggression.

Additional emphasis will also be placed on the acceleration of junior officers, noncommissioned officers, and sonnel, the announcement stated. The program calls support for Thai training activities, including the provision equipment, and technical and training assistance in the

In addition to the military-aid grant, the Department also announced that approximately \$3 million was being able to the Thai Government for the construction of a Saraburi, in Central Thailand, through Korat to Ban P of 297 miles.

While this highway will be of strategic value in operations in Thailand, its value to the economy of the considerable, the announcement stated.

The program will be administered in Thailand by Military Aid Group headed by Maj. Gen. W. N. Gillmore

35. CONSULTATIONS WITH THE FRENCH PREMIER BRITISH FOREIGN SECRETARY: Statement by the State, July 15, 1954 ²

I return from consultations at Paris with the new Minister and Foreign Minister, M. Pierre Mendès-F talks were also participated in by Anthony Eden, the Secretary.

These talks have brought about an understanding between china much more complete than has heretofore existed. to demonstrate anew the solidarity of the Western powers of Communist hostility and intrigue.

The United States has been concerned to find a way

captive and endangered peoples of the world are to feel that the United States really believes in liberty.

I had the opportunity in Paris fully to explain the United States position in this respect to M. Mendès-France, whom I had known before but whom I had not met since he assumed his new offices.

The conclusion was that we would ask the Under Secretary of State Gen. Walter Bedell Smith, to return to Geneva at an early date to renew his participation in the Indochina phase of the Conference. But this is on the understanding, to which both the French and British Ministers expressly agreed, that renewed participation by the United States at the ministerial level will be without departing from the U.S. principles which I had described.

I believe that we have found a formula for constructive allied unity which will have a beneficial effect on the Geneva Conference. And it carries no danger that the United States will abandon its principles.

36. THE CEASE-FIRE AGREEMENTS IN INDOCHINA: Statement by the President, July 21, 1954 ²

I am glad, of course, that agreement has been reached at Geneva to stop the bloodshed in Indochina.³

The United States has not been a belligerent in the war. The primary responsibility for the settlement in Indochina rested with those nations which participated in the fighting. Our role at Geneva has been at all times to try to be helpful where desired and to aid France and Cambodia, Laos, and Viet-Nam to obtain a just and honorable settlement which will take into account the needs of the interested people. Accordingly, the United States has not itself been party to or bound by the decisions taken by the Conference, but it is our hope that it will lead to the establishment of peace consistent with the rights and the needs of the countries concerned. The agreement contains features which we do not like, but a great deal depends on how they work in practice.

The United States is issuing at Geneva a statement to the effect that it is not prepared to join in the Conference declaration, but, as loyal members of the United Nations, we also say that, in compliance with the obligations and principles contained in article 2 of the United Nations Charter, the United States will not use force to disturb the settlement.⁴ We also say that any renewal of Communist aggression would be viewed by us as a matter of grave concern.

As evidence of our resolve to assist Cambodia and Laos to plan

or Minister to be resident at their respective capitals and Vientiane). We already have a Chief of Mission capital of Viet-Nam, and this Embassy will, of course,

The United States is actively pursuing discussions with nations with a view to the rapid organization of a collective Southeast Asia in order to prevent further direct or communist aggression in that general area.

Aid for Indochina Following the Geneva 1954-1955

37. ASSISTANCE TO REFUGEES FROM NORTH VIET-NAM **Note From the American Embassy at Saigon to the Foreign Ministry, August 8, 1954**¹

On August 6 the U.S. Government received from the Viet-Nam a request that the United States provide assistance over 100,000 refugees from North Viet-Nam, the area turned over to the Viet Minh, to South Viet-Nam areas of the anti-Communist government of Viet-Nam. The U.S. Government on August 8 replied as follows [Note in Department of State Bulletin, Aug. 16, 1954, p. 241].

The United States Government desires to extend to the Government of Viet-Nam all reasonable assistance to evacuate from the area of Viet-Nam under the cease-fire agreement its nationals who understand the situation and are willing to face the grim certainties of life under the Communist Government. The United States is well aware that mere removal does not solve the problem for such people or for the Government of Viet-Nam. The United States is also prepared to provide as far as possible the financial and technical help needed to enable refugees from Viet Minh domination to continue their existence under their chosen government with maximum freedom to add to the strength of that government through their own efforts.

The American Embassy will continue close cooperation with the Government of Viet-Nam to ensure that United States assistance is made effective in meeting the needs of the Government of Viet-Nam and its people. The United States will expect the maximum cooperation of the Government of Viet-Nam in working to the

¹ Department of State *Bulletin*, Aug. 16, 1954, p. 241; see also Harold Stassen, Director of Foreign Operations Administration (Aug. 23, 1954, pp. 265-266) and White House statement of Aug. 22,

38. EVACUATION OF REFUGEES FROM NORTH VIET-NAM

Statement Released by the White House, August 22, 1954 ¹

The cease-fire agreement which terminated hostilities in Viet-Nam provided that persons on either side of the dividing line, which is roughly at the 17th parallel of latitude, would be free to move to places of their own choice. Very soon all of North Viet-Nam, which includes the Delta of the Red River otherwise known as Tonkin, will be handed over provisionally to the Viet Minh Government of Ho Chi Minh.

Thousands of refugees of Tonkin, fearful of being placed under the Communist yoke, are moving outward to Free Viet-Nam. The French Government has offered transport to these evacuees, and both the French Navy and Air Force are doing what they can to carry out this movement.

The French Air Force is presently lifting approximately 3,400 evacuees a day from airfields at Hanoi and Haiphong to the Saigon area. Likewise the French Navy is carrying refugees and at the same time transporting French expeditionary forces to Saigon.

However, the number of refugees has so increased that both the French authorities and Vietnamese Government have asked additional assistance of the United States in transporting these Vietnamese citizens who prefer to give up their homes in order to remain free.

The United States promptly agreed to their request.² The French and Vietnamese authorities retain complete responsibility for the care of Vietnamese citizens who choose to leave the Delta area. The United States is providing ships to help transport refugees and, in addition, is furnishing some tentage and other supplies to better enable the French and Vietnamese officials ashore to take care of the refugees.

It is estimated that at least 200,000 civilian refugees must be moved from Hanoi or Haiphong before September 10.

The Commander in Chief, Pacific, Admiral Felix Stump, has instructed the Fifth Amphibious Group of the Western Pacific Fleet to assist in the transportation from Haiphong to points in South and Central Viet-Nam a total of between 80,000 and 100,000 refugees. The majority of refugees will probably be moved by LST's. In order to help expedite this movement, however, transport vessels and commercial freighters of the Military Sea Transport Service were dispatched earlier under the command of Rear Admiral Lorenzo Sabin and are already loading refugees at Haiphong. Several thousands of Vietnamese have already been evacuated by this service. Fortunately, Free Viet-Nam is a country with ample land resources

The United States will continue to assist the Vietnamese Government, headed by Prime Minister Ngo Dinh Diem, in its humanitarian endeavor to bring the Vietnamese to Freedom.

It is noteworthy that, although Vietnamese from Tonkin are beginning to leave the area, soon to be under Communist control, Minh adherents from Free Viet-Nam have clamored to be allowed to go north to settle in that area under the Government of France.

39. DIRECT AID TO THE ASSOCIATED STATES: Regarding Franco-American Conversations, September 1954

Representatives of the two Governments have had very useful talks which have shown the community of their views and in full agreement on the objectives to be attained.

The conclusion of the Southeast Asia Collective Defense Treaty in Manila on September 8, 1954,² has provided a firmer basis for the United States to assist the free nations of Asia in developing and maintaining their independence and security. The representatives of the United States wish to reaffirm the support of their Government for the principles of self-government, independence, justice, and peace proclaimed by the Pacific Charter in Manila on September 1, 1954.

The representatives of France and the United States have expressed their intention of their governments to support the complete independence of Cambodia, Laos, and Viet-Nam. Both France and the United States will continue to assist Cambodia, Laos, and Viet-Nam in their efforts to safeguard their freedom and independence and to promote the welfare of their peoples. In this spirit France and the United States are assisting the Government of Viet-Nam in the efforts to bring the Vietnamese who have of their own free will moved to Viet-Nam and who already number some 300,000.

In order to contribute to the security of the area pending the development of national forces for this purpose, the representatives of France indicated that France is prepared to retain a French Expeditionary Corps, in agreement with the government of Viet-Nam, within the limits permitted under the Geneva agreement, the extent to be determined. The United States will consider the provision of financial assistance for the Expeditionary Corps in the circumstances in addition to support for the forces of each of the Associated States. These questions vitally affect each of the Associated States and are being fully discussed with the representatives of the Associated States.

The channel for French and United States economic assistance

discussions soon with the respective governments of the Associated States regarding direct aid. The methods for efficient coordination of French and United States aid programs to each of the three Associated States are under consideration and will be developed in discussion with each of these states.

After the bilateral talks, the chiefs of diplomatic missions in Washington of Cambodia, Laos and Viet-Nam were invited to a final meeting to have an exchange of views and information on these matters. The representatives of all five countries are in complete agreement on the objectives of peace and freedom to be achieved in Indochina.

40. AID TO CAMBODIA: Message From the President of the United States to the King of Cambodia, October 2, 1954 ¹

YOUR MAJESTY: The people of the United States have watched with concern and admiration the struggle of Cambodia against unwarranted Communist aggression. The United States is happy that Cambodia has reaffirmed its independence and that your Kingdom is in a position now to undertake a course which will secure that sovereignty and freedom for which your people fought.

At this time when Cambodia has so convincingly demonstrated its independence and its stern determination to maintain that independence, I desire Your Majesty to know that my Government will be pleased to consider ways in which our two countries can more effectively cooperate in the joint task of stemming the threats facing your territories and maintaining peace and prosperity in your Kingdom.

With assurances of my personal esteem and high regard,

.

41. AID TO THE STATE OF VIET-NAM: Message From the President of the United States to the President of the Council of Ministers of Viet-Nam, October 23, 1954 ²

DEAR MR. PRESIDENT: I have been following with great interest the course of developments in Viet-Nam, particularly since the conclusion of the conference at Geneva. The implications of the agreement concerning Viet-Nam have caused grave concern regarding the future of a country temporarily divided by an artificial military group.

ideology which they abhor, are being fulfilled. I am glad the United States is able to assist in this humanitarian effort.

We have been exploring ways and means to permit Viet-Nam to be more effective and to make a greater contribution to the welfare and stability of the Government of Viet-Nam. Accordingly, instructing the American Ambassador to Vietnam to examine with you in your capacity as Chief of Government an intelligent program of American aid given directly to your Government can serve to assist Viet-Nam in its present hour of need, provided that your Government is prepared to give assurance of the standards of performance it would be able to maintain if such aid were supplied.

The purpose of this offer is to assist the Government of Viet-Nam in developing and maintaining a strong, viable state, capable of resisting attempted subversion or aggression through military means. The Government of the United States expects that this aid will result in improved performance on the part of the Government of Viet-Nam in carrying out needed reforms. It hopes that such aid, combined with your own continuing efforts, will contribute effectively toward the development of an independent Viet-Nam endowed with a strong government. Such a government would, I hope, be so responsive to the nationalist aspirations of its people, so enlightened in purpose and effective in performance, that it will be respected both at home and abroad and discredited by those who might wish to impose a foreign ideology on your free people.

42. MISSION OF THE SPECIAL UNITED STATES REPRESENTATIVE IN VIET-NAM:¹ Statement Issued by the House, November 3, 1954²

The President on November 3 designated Gen. J. Lawton Collins as Special United States Representative in Viet-Nam with the personal rank of Ambassador, to undertake a diplomatic mission of limited duration. He will coordinate the operations of the military agencies in that country.

General Collins will proceed immediately to Saigon, where he will confer with Ambassador Donald R. Heath prior to the latter's scheduled return to the United States for reassignment after 10 years of distinguished service in Indochina. For the duration of his assignment General Collins will relinquish his other duties, including that of U.S. representative on the Military Committee of the North Atlantic Treaty Organization.

The U. S. Government is fully aware of the immense tasks facing the Government of Viet-Nam in its effort to achieve solidarity, internal security, and economic rehabilitation. The United States has already played an important role in the evacuation of hundreds of thousands of refugees from Communist rule in North Viet-Nam.

Moreover, as the President told Prime Minister Ngo Dinh Diem in his letter of October 23d,¹ U.S. representatives in Viet-Nam have been instructed to consider with the Vietnamese authorities how a program of American aid given directly to Viet-Nam can best assist that country. General Collins will explore this matter with Prime Minister Ngo Dinh Diem and his Government in order to help them resolve their present critical problems and to supplement measures adopted by the Vietnamese themselves.

In executing his temporary mission, General Collins will maintain close liaison with the French Commissioner General, Gen. Paul Ely, for the purpose of exchanging views on how best, under existing circumstances, the freedom and welfare of Viet-Nam can be safeguarded.

43. DIRECT AID TO VIET-NAM, CAMBODIA, AND LAOS **Statement by the Department of State, December 31, 1954²**

Arrangements have been completed so that on January 1, 1955 the United States can begin supplying financial aid directly to the Governments of Viet-Nam, Cambodia, and Laos for the purpose of strengthening their defense against the threat of Communist subversion and aggression. This direct aid reaffirms the independent status these Governments now possess, and is in addition to the economic aid that has been given directly to these three states by the United States since 1950. The aid will be given pursuant to section 121 of the Mutual Security Act of 1954, which provides for "the furnishing, as far as possible, of direct assistance to the Associated States of Cambodia, Laos and Viet-Nam. . . ." ³ The provision of U.S. aid directly to these Governments was confirmed by the communiqué issued at Washington on September 29 of this year, following talks between representatives of the United States, France and the Chiefs of Mission of the three Associated States and by letters from President Eisenhower to the King of Cambodia ⁵ and to President Diem of Viet-Nam. ⁶

¹ *Supra*.

² Department of State *Bulletin*, Jan. 10, 1955, pp. 51-52.

³ *Infra*, p. 3111.

⁴ *Supra* doc. 39.

⁵ Letter of Oct. 2, 1954, *supra*, doc. 40.

⁶ Letter of Oct. 23, 1954; *supra*, doc. 41.

44. UNIFICATION OF VIET-NAM THROUGH FREE ELECTIONS Statement by the Secretary of State at a News Conference, June 28, 1955¹

At his news conference on June 28, Secretary Dulles was asked the position of the United States with respect to elections in Viet-Nam. Secretary replied:

Neither the United States Government nor the Government of Viet-Nam is, of course, a party to the Geneva armistice agreements. We did not sign them, and the Government of Viet-Nam did not sign them and, indeed, protested against them. On the other hand, the United States believes, broadly speaking, in the unification of countries which have a historic unity, where the people are akin. We believe that, if there are conditions of really free elections, there is no serious risk that the Communists would win.

The Communists have never yet won any free election. I don't think they ever will. Therefore, we are not afraid at all of elections, provided they are held under conditions of genuine freedom which the Geneva armistice agreement calls for. If those conditions are met, we would be in favor of elections, because we believe they would bring about the unification of the country under a democratic government auspices.

45. RECOGNITION OF THE NEW CHIEF OF STATE OF VIET-NAM: Statement by the Department of State, October 26, 1955

On October 26, the Government of Viet-Nam sent the following communication to the American Embassy at Saigon:

"The Ministry of Foreign Affairs has the honor to inform the United States Embassy that by referendum October 23 the Vietnamese people have pronounced themselves in favor of the deposition of the late President Ngo Dinh Diem and have recognized President Diem as Chief of State. We sincerely hoped that the Government of the United States will continue in the past to entertain diplomatic relations with the new Government of the State of Viet-Nam."

U.S. Ambassador G. Frederick Reinhardt, under instructions from the State Department, replied as follows:

"The Government of the United States looks forward to establishing friendly relations with the new Government of Viet-Nam on the same cordial basis as it has maintained with the former Government."

evolution of orderly and effective democratic processes in an area of Southeast Asia which has been and continues to be threatened by Communist efforts to impose totalitarian control.

D. JAPAN

Transition From Allied Occupation to Mutual Security Arrangements, 1950-1952

16. PARTICIPATION OF JAPAN IN TECHNICAL AGREEMENTS AND CONFERENCES: Interim Directive to the Supreme Commander for the Allied Powers, Japan,¹ February 21, 1950²

The following interim directive, serial 110, regarding Japanese participation in technical agreements and conferences, prepared by the Department of State, received from the Department of the Army is transmitted for your guidance in accordance with paragraph III, 3 of the Terms of Reference of the Far Eastern Commission:³

"1. The Supreme Commander for the Allied Powers, subject to his discretion and continued control, should permit Japan to participate with other nations or groups of nations in such international agreements, conventions, and conferences of a technical character as Japan may be invited to enter into, accede to, or attend and as the Supreme Commander shall consider to be in the interest of the occupation.

"2. Before leaving Japan, Japanese representatives appointed in accordance with the provisions of this policy decision, should be instructed to refrain from engaging in propaganda or subversive activities of any kind.

"3. The Supreme Commander should direct the Japanese Government to fulfill any obligations which it assumes in accordance with the provisions of this policy.

"4. The Supreme Commander should inform the Far Eastern Commission of any action taken in accordance with the provisions of this policy."

the Treaty of Peace comes into force, Japan will permit and support in or about Japan, by the Member or Members of the United Nations engaged in such United Nations action, the expenses involved in the use of Japanese facilities and services to be borne as at present or as may be mutually agreed between Japan and the United Nations Member or Members concerned (TIAS 2490; 3 UST, pt. 3, pp. 3326-3328). See also the Agreement signed at Tokyo, Feb. 19, 1954, regularizing the status of United States forces in Japan (TIAS 2995; 5 UST, pt. 2, pp. 1123-1257).]

47. ADMINISTRATIVE AGREEMENT BETWEEN THE UNITED STATES AND JAPAN UNDER ARTICLE III OF THE TREATY, FEBRUARY 28, 1952¹

PREAMBLE

Whereas the United States of America and Japan on September 8, 1951, signed a Security Treaty² which contains provisions for the disposition of United States land, air and sea forces in Japan;

And whereas Article III of that Treaty states that the terms and conditions which shall govern the disposition of the armed forces of the United States in and about Japan shall be determined by administrative agreements between the two Governments;

And whereas the United States of America and Japan are desirous of concluding practical administrative arrangements which will have the effect to their respective obligations under the Security Treaty and will strengthen the close bonds of mutual interest and regard between their two peoples;

Therefore, the Governments of the United States of America and Japan have entered into this Agreement in terms as set forth below:

ARTICLE I

In this Agreement the expression—

(a) "members of the United States armed forces" means United States personnel on active duty belonging to the land, sea or air services of the United States of America when in the territory of Japan.

(b) "civilian component" means the civilian personnel of United States nationality who are in the employ of, serving or accompanying the United States armed forces in Japan, and persons who are ordinarily resident in Japan or who are

ment only, dual nationals, United States and Japanese, who are brought to Japan by the United States shall be considered as United States nationals.

(c) "dependents" means

- (1) Spouse, and children under 21;
- (2) Parents, and children over 21, if dependent for over half their support upon a member of the United States armed forces or civilian component.

ARTICLE II

1. Japan agrees to grant to the United States the use of the facilities and areas necessary to carry out the purposes stated in Article I of the Security Treaty. Agreements as to specific facilities and areas not already reached by the two Governments by the effective date of this Agreement, shall be concluded by the two Governments through the Joint Committee provided for in Article XXVI of this Agreement. "Facilities and areas" include existing furnishings, equipment and fixtures necessary to the operation of such facilities and areas.

2. At the request of either party, the United States and Japan shall review such arrangements and may agree that such facilities and areas shall be returned to Japan or that additional facilities and areas may be provided.

3. The facilities and areas used by the United States armed forces shall be returned to Japan whenever they are no longer needed for purposes of this Agreement, and the United States agrees to keep the needs for facilities and areas under continual observation with a view toward such return.

4. (a) When facilities and areas such as target ranges and maneuver grounds are temporarily not being used by the United States armed forces, interim use may be made by Japanese authorities and nationals provided that it is agreed that such use would not be harmful to the purposes for which the facilities and areas are normally used by the United States armed forces.

(b) With respect to such facilities and areas as target ranges and maneuver grounds which are to be used by United States armed forces for limited periods of time, the Joint Committee shall specify in the agreements covering such facilities and areas the extent to which the provisions of this Agreement shall apply.

ARTICLE III

1. The United States shall have the rights, power and authority

quires, consultation between the two Governments through the Committee.

2. The United States agrees that the above-mentioned radio and authority will not be exercised in such a manner as to interfere unnecessarily with navigation, aviation, communication, or the free travel to or from or within the territories of Japan. The conditions relating to frequencies, power and like matters used by the United States for radio employed by the United States designed to emit radio waves shall be settled by mutual arrangement. As a temporary measure, the United States armed forces shall be entitled to use, without interference from Japanese sources, electronic devices for radio design, type of emission, and frequencies as are required by the United States forces at the time this Agreement becomes effective.

3. Operations in the facilities and areas in use by the United States armed forces shall be carried on with due regard for the interests of Japan.

ARTICLE IV

1. The United States is not obliged, when it returns the facilities and areas to Japan on the expiration of this Agreement, to restore the facilities and areas to the condition in which they were at the time they became available to the United States armed forces, or to compensate Japan in lieu of such restoration.

2. Japan is not obliged to make any compensation to the United States for any improvements made in the facilities and areas, or the buildings or structures left thereon on the expiration of this Agreement or the earlier return of the facilities and areas.

3. The foregoing provisions shall not apply to the facilities and areas in which the United States may undertake under special agreement with Japan.

ARTICLE V

1. United States and foreign vessels and aircraft shall be permitted to enter or under the control of the United States for official purposes, and shall be accorded access to any port or airport of Japan without payment of landing charges. When cargo or passengers not authorized by the provisions of this Agreement are carried on such vessels or aircraft, notification shall be given to the appropriate Japanese authorities, and such cargo or passengers shall be entered according to the laws and regulations of Japan.

2. The vessels and aircraft mentioned in paragraph 1 shall include Government-owned vehicles including armor, and the personnel of the United States armed forces, the civilian component of the United States armed forces, and the civilian component of the United States armed forces.

ARTICLE VI

1. All civil and military air traffic control and communications systems shall be developed in close coordination and shall be integrated to the extent necessary for fulfillment of collective security interests. Procedures, and any subsequent changes thereto, necessary to effect this coordination and integration will be established by mutual arrangement.

2. Lights and other aids to navigation of vessels and aircraft placed or established in the facilities and areas in use by United States armed forces and in territorial waters adjacent thereto or in the vicinity thereof shall conform to the system in use in Japan. The United States and Japanese authorities which have established such navigation aids shall notify each other of their positions and characteristics and shall give advance notification before making any changes in the or establishing additional navigation aids.

ARTICLE VII

The United States armed forces shall have the right to use all public utilities and services belonging to, or controlled or regulated by the Government of Japan, and to enjoy priorities in such use, under conditions no less favorable than those that may be applicable from time to time to the ministries and agencies of the Government of Japan.

ARTICLE VIII

The Japanese Government undertakes to furnish the United States armed forces with the following meteorological services under present procedures, subject to such modifications as may from time to time be agreed between the two Governments or as may result from Japan's becoming a member of the International Civil Aviation Organization or the World Meteorological Organization:

(a) Meteorological observations from land and ocean areas including observations from weather ships assigned to positions known as "X" and "T".

(b) Climatological information including periodic summaries and the historical data of the Central Meteorological Observatory.

(c) Telecommunications service to disseminate meteorological information required for the safe and regular operation of aircraft.

(d) Seismographic data including forecasts of the estimated size of tidal waves resulting from earthquakes and areas that might

pendents shall be exempt from Japanese laws and regulations regarding registration and control of aliens, but shall not be considered as having any right to permanent residence or domicile in Japan or of Japan.

3. Upon entry into or departure from Japan members of the United States armed forces shall be in possession of the following:

(a) personal identity card showing name, date of birth, service number, service, and photograph; and

(b) individual or collective travel order certifying the status of the individual or group as a member or members of the United States armed forces and to the travel ordered.

For purposes of their identification while in Japan, members of the United States armed forces shall be in possession of a personal identity card.

4. Members of the civilian component, their dependents, and dependents of members of the United States armed forces shall be in possession of appropriate documentation issued by the United States authorities so that their status may be verified by Japanese authorities upon their entry into or departure from Japan, or while in Japan.

5. If the status of any person brought into Japan under Article I of this Agreement is altered so that he would no longer be eligible for such admission, the United States authorities shall notify the Japanese authorities and shall, if such person be required by the Japanese authorities to leave Japan, assure that transportation will be provided within a reasonable time at no cost to the United States Government.

ARTICLE X

1. Japan shall accept as valid, without a driving test, a Japanese driving permit or license or military driving permit issued by the United States to a member of the United States armed forces, the civilian component, and their dependents.

2. Official vehicles of the United States armed forces, the civilian component shall carry distinctive numbered plates or insignia which will readily identify them.

3. Privately owned vehicles of members of the United States armed forces, the civilian component, and their dependents shall be required to acquire Japanese number plates to be acquired under the same conditions applicable to Japanese nationals.

ARTICLE XI

1. Subject as provided in this Agreement, members of the United States armed forces, the civilian component, and their dependents shall be exempt from Japanese laws and regulations regarding registration and control of aliens, but shall not be considered as having any right to permanent residence or domicile in Japan or of Japan.

or the use of the members of the United States armed forces, the civilian component, and their dependents, and materials, supplies and equipment which are to be used exclusively by the United States armed forces or are ultimately to be incorporated into articles or facilities used by such forces, shall be permitted entry into Japan; such entry shall be free from customs duties and other such charges. Appropriate certification shall be made that such materials, supplies and equipment are being imported by the United States armed forces, the authorized procurement agencies of the United States armed forces, or by the organizations provided for in Article XV, or, in the case of materials, supplies and equipment to be used exclusively by the United States armed forces or ultimately to be incorporated into articles or facilities used by such forces, that delivery thereof is to be taken by the United States armed forces for the purposes specified above.

3. Property consigned to and for the personal use of members of the United States armed forces, the civilian component, and their dependents, shall be subject to customs duties and other such charges except that no duties or charges shall be paid with respect to:

(a) Furniture and household goods for their private use imported by the members of the United States armed forces or civilian component when they first arrive to serve in Japan or by their dependents when they first arrive for reunion with members of such forces or civilian component, and personal effects for private use brought by the said persons upon entrance.

(b) Vehicles and parts imported by members of the United States armed forces or civilian component for the private use of themselves or their dependents.

(c) Reasonable quantities of clothing and household goods of type which would ordinarily be purchased in the United States for everyday use for the private use of members of the United States armed forces, civilian component, and their dependents, which are mailed into Japan through United States military post offices.

4. The exemptions granted in paragraphs 2 and 3 shall apply only to cases of importation of goods and shall not be interpreted as refunding customs duties and domestic excises collected by the customs authorities at the time of entry in cases of purchases of goods of which such duties and excises have already been collected.

5. Customs examination shall not be made in the following cases:

(a) Units and members of the United States armed forces und

7. Goods imported into Japan free from customs duties, such charges pursuant to paragraphs 2 and 3, may be re- from customs duties and other such charges.

8. The United States armed forces, in cooperation with the Japanese authorities, shall take such steps as are necessary to protect the rights and privileges granted to the United States armed forces, such forces, the civilian component, and their dependents in accordance with this Article.

9. (a) In order to prevent offenses against laws and regulations administered by the customs authorities of the Japanese Government, the Japanese authorities and the United States armed forces shall assist each other in the conduct of inquiries and the collection of evidence.

(b) The United States armed forces shall render assistance within their power to ensure that articles liable to seizure on behalf of, the customs authorities of the Japanese Government be handed to those authorities.

(c) The United States armed forces shall render assistance within their power to ensure the payment of duties, taxes, and other charges payable by members of such forces or of the civilian component or their dependents.

(d) Vehicles and articles belonging to the United States armed forces seized by the customs authorities of the Japanese Government in connection with an offense against its customs or fiscal regulations shall be handed over to the appropriate authorities concerned.

ARTICLE XII

1. The United States shall have the right to contract for supplies or construction work to be furnished or undertaken for purposes of, or authorized by this Agreement, without regard as to choice of supplier or person who does the construction.

2. Materials, supplies, equipment and services which are procured from local sources for the maintenance of the United States armed forces and the procurement of which may have an adverse effect on the economy of Japan shall be procured in coordination with the Japanese authorities when desirable, through or with the assistance of, the Japanese authorities of Japan.

3. Materials, supplies, equipment and services procured for military purposes in Japan by the United States armed forces, or by the procurement agencies of the United States armed forces, with appropriate certification shall be exempt from the following Ja

armed forces. With respect to any present or future Japanese taxes not specifically referred to in this Article which might be found to constitute a significant and readily identifiable part of the gross purchase price of materials, supplies, equipment and services procured by the United States armed forces, or for ultimate use by such forces, the two Governments will agree upon a procedure for granting such exemption or relief therefrom as is consistent with the purposes of this Article.

4. Local labor requirements of the United States armed forces or civilian component shall be satisfied with the assistance of the Japanese authorities.

5. The obligations for the withholding and payment of income tax and of social security contributions, and, except as may otherwise be mutually agreed, the conditions of employment and work, such as those relating to wages and supplementary payments, the conditions for the protection of workers, and the rights of workers concerning labor relations shall be those laid down by the legislation of Japan.

6. Members of the civilian component shall not be subject to Japanese laws or regulations with respect to terms and conditions of employment.

7. Neither members of the United States armed forces, civilian component, nor their dependents, shall by reason of this Article enjoy any exemption from taxes or similar charges relating to personal purchases of goods and services in Japan chargeable under Japanese legislation.

8. Except as such disposal may be authorized by the Japanese and United States authorities in accordance with mutually agreed conditions, goods purchased in Japan exempt from the taxes referred to in paragraph 3, shall not be disposed of in Japan to persons not entitled to purchase such goods exempt from such tax.

ARTICLE XIII

1. The United States armed forces shall not be subject to taxes or similar charges on property held, used or transferred by such forces in Japan.

2. Members of the United States armed forces, the civilian component, and their dependents shall not be liable to pay any Japanese taxes to the Japanese Government or to any other taxing agency in Japan on income received as a result of their service with or employment by the United States armed forces, or by the organization provided for in Article XV. The provisions of this Article do not exempt such persons from payment of Japanese taxes on income derived from Japanese sources, nor do they exempt United States

on the holding, use, transfer *inter se*, or transfer by deed of property, tangible or intangible, the presence of which is solely to the temporary presence of these persons in Japan, that such exemption shall not apply to property held for the purpose of investment or the conduct of business in Japan or to property registered in Japan. There is no obligation under this Article to grant exemption from taxes payable in respect of roads by private vehicles.

ARTICLE XIV

1. Persons, including corporations organized under the laws of the United States, and their employees who are ordinarily domiciled in the United States and whose presence in Japan is solely for the purpose of executing contracts with the United States for the benefit of the United States armed forces shall, except as provided in this Agreement, be subject to the laws and regulations of Japan.

2. Upon certification by appropriate United States authorities as to their identity, such persons and their employees shall be entitled to the following benefits of this Agreement:

(a) Rights of accession and movement, as provided in Article V, paragraph 2;

(b) Entry into Japan in accordance with the provisions of Article IX;

(c) The exemption from customs duties, and other taxes, as provided for in Article XI, paragraph 3, for members of the United States armed forces, the civilian component, and their dependents;

(d) If authorized by the United States Government, to use the services of the organizations provided for in Article XII;

(e) Those provided for in Article XIX, paragraph 2, for members of the armed forces of the United States, the civilian component, and their dependents;

(f) If authorized by the United States Government, to use military payment certificates, as provided for in Article XX;

(g) The use of postal facilities provided for in Article XXI;

(h) Exemption from the laws and regulations of Japan in respect to terms and conditions of employment.

3. Such persons and their employees shall be so designated that their passports and their arrival, departure and their residence in Japan shall from time to time be notified by the United States armed forces to the Japanese authorities.

4. Upon certification by an authorized officer of the United States armed forces, such persons and their employees shall be

of movable property, tangible or intangible, the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of other business in Japan or to any intangible property registered in Japan. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

6. The persons and their employees referred to in paragraph 5 shall not be liable to pay income or corporation taxes to the Japanese Government or to any other taxing agency in Japan on any income derived under a contract made in the United States with the United States Government in connection with the construction, maintenance or operation of any of the facilities or areas covered by this Agreement. The provisions of this paragraph do not exempt such persons from payment of income or corporation taxes on income derived from Japanese sources, nor do they exempt such persons and their employees who, for United States income tax purposes, claim Japanese residence, from payment of Japanese taxes on income. Periods during which such persons are in Japan solely in connection with the execution of a contract with the United States Government shall not be considered periods of residence or domicile in Japan for the purposes of such taxation.

7. Japanese authorities shall have the primary right to exercise jurisdiction over the persons and their employees referred to in paragraph 1 of this Article in relation to offenses committed in Japan and punishable by the law of Japan. In those cases in which the Japanese authorities decide not to exercise such jurisdiction they shall notify the military authorities of the United States as soon as possible. Upon such notification the military authorities of the United States shall have the right to exercise such jurisdiction over the persons referred to as is conferred on them by the law of the United States.

ARTICLE XV

1. (a) Navy exchanges, post exchanges, messes, social clubs, theaters, newspapers and other non-appropriated fund organizations authorized and regulated by the United States military authorities may be established in the facilities and areas in use by the United States Armed forces for the use of members of such forces, the civilian component, and their dependents. Except as otherwise provided in this Agreement, such organizations shall not be subject to Japanese regulations, license, fees, taxes or similar controls.

(b) When a newspaper authorized and regulated by the United

3. Except as such disposal may be authorized by the United States and Japanese authorities in accordance with mutually agreed conditions, goods which are sold by such organizations shall not be sold in Japan to persons not authorized to make purchases from such organizations.

4. The obligations for the withholding and payment of taxes, and of social security contributions, and, except as may be otherwise mutually agreed, the conditions of employment and working conditions, those relating to wages and supplementary payments, and those for the protection of workers, and the rights of workers, and labor relations shall be those laid down by the legislative authorities of Japan.

5. The organizations referred to in this Article shall furnish information to the Japanese authorities as is required by Japanese tax legislation.

ARTICLE XVI

It is the duty of members of the United States armed forces, the civilian component, and their dependents to respect the laws and customs of the host country and to abstain from any activity inconsistent with the purposes of the Agreement, and, in particular, from any political activity.

ARTICLE XVII

1. Upon the coming into force with respect to the United States of the "Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces", signed at London on 4 October 1951,¹ the United States will immediately conclude with Japan, at the option of Japan, an agreement on criminal jurisdiction in accordance with the corresponding provisions of that Agreement.

2. Pending the coming into force with respect to the United States of the North Atlantic Treaty Agreement referred to in paragraph 1, the United States service courts and authorities shall have jurisdiction to exercise within Japan exclusive jurisdiction over all offenses committed by members of the United States armed forces, the civilian component, and their dependents, and over dependents who have only Japanese nationality. Such jurisdiction may in any case be waived by the United States.

3. While the jurisdiction provided in paragraph 2 is in effect, the following provisions shall apply:

(a) Japanese authorities may arrest members of the United States armed forces, the civilian component, or the civilian component outside facilities and areas in use by United States armed forces for the commission or attempted commission of an offense.

forces and found in any place outside the facilities and areas may on request be arrested by the Japanese authorities and turned over to the United States authorities.

(b) The United States authorities shall have the exclusive right to arrest within facilities and areas in use by United States armed forces. Any person subject to the jurisdiction of Japan and found in any such facility or area will, on request, be turned over to the Japanese authorities.

(c) The United States authorities may, under due process of law, arrest, in the vicinity of such a facility or area, any person in the commission or attempted commission of an offense against the security of that facility or area. Any such person not subject to the jurisdiction of the United States armed forces shall be immediately turned over to Japanese authorities.

(d) Subject to the provisions of paragraph 3 (c), the activities outside the facilities and areas of military police of the United States armed forces shall be limited to the extent necessary for maintaining order and discipline of and arresting members of the United States armed forces, the civilian component, and their dependents.

(e) The authorities of the United States and Japan shall co-operate in making available witnesses and evidence for criminal investigations and other criminal proceedings in their respective tribunals and shall assist each other in the making of investigations. In the event of a criminal contempt, perjury, or an obstruction of justice before a tribunal which does not have criminal jurisdiction over the individual committing the offense, he shall be tried by a tribunal which has jurisdiction over him as if he had committed the offense before it.

(f) The United States armed forces shall have the exclusive right of removing from Japan members of the United States armed forces, the civilian component, and their dependents. The United States will give sympathetic consideration to a request by the Government of Japan for the removal of any such person for good cause.

(g) Japanese authorities shall have no right of search or seizure, with respect to any persons or property, within facilities and areas in use by the United States armed forces, or with respect to property of the United States armed forces wherever situated. At the request of the Japanese authorities, the United States authorities undertake, within the limits of their authority, to make such search and seizure and inform the Japanese authorities as to the results thereof. In the event of a judgment concerning such property, except property owned or utilized by the United States Government, the United States will turn over such property to the Japanese au-

for the purpose of arresting offenders under the jurisdiction of Japan.

(h) A death sentence shall not be carried out in Japan by the United States armed forces if the legislation of Japan does not provide for such punishment in a similar case.

4. The United States undertakes that the United States service courts and authorities shall be willing and able to try and, on conviction, to punish all offenses against the laws of Japan which members of the United States armed forces, civilian component, and their dependents may be alleged on sufficient evidence to have committed in Japan, and to investigate and deal appropriately with any alleged offense committed by members of the United States armed forces, the civilian component, and their dependents, which may be brought to their notice by Japanese authorities or which they may find to have taken place. The United States further undertakes to notify the Japanese authorities of the disposition made by United States service courts of all cases arising under this paragraph. The United States shall give sympathetic consideration to a request from Japanese authorities for a waiver of its jurisdiction in cases arising under this paragraph where the Japanese Government considers such waiver to be of particular importance. Upon such waiver, Japan may exercise its own jurisdiction.

5. In the event the option referred to in paragraph 1 is not exercised by Japan, the jurisdiction provided for in paragraph 2 and the following paragraphs shall continue in effect. In the event the said North Atlantic Treaty Agreement has not come into effect within one year from the effective date of this Agreement, the United States will, at the request of the Japanese Government, reconsider the subject of jurisdiction over offenses committed in Japan by members of the United States armed forces, the civilian component, and their dependents.

ARTICLE XVIII

1. Each party waives all its claims against the other party for injury or death suffered in Japan by a member of its armed forces, or a civilian governmental employee, while such member or employee was engaged in the performance of his official duties in cases where such injury or death was caused by a member of the armed forces, or a civilian employee of the other party acting in the performance of his official duties.

2. Each party waives all its claims against the other party for damage to any property in Japan owned by it, if such damage was

property damage in Japan to third parties shall be dealt with by Japan in accordance with the following provisions:

(a) Claims shall be filed within one year from the date on which they arise and shall be considered and settled or adjudicated in accordance with the laws and regulations of Japan with respect to claims arising from the activities of its own employees.

(b) Japan may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by Japan in yen.

(c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of Japan, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive.

(d) The cost incurred in satisfying claims pursuant to the preceding subparagraphs shall be shared on terms to be agreed by the two Governments.

(e) In accordance with procedures to be established, a statement of all claims approved or disapproved by Japan pursuant to this paragraph, together with the findings in each case, and a statement of the sums paid by Japan, shall be sent to the United States periodically, with a request for reimbursement of the share to be paid by the United States. Such reimbursement shall be made within the shortest possible time in yen.

4. Each party shall have the primary right, in the execution of the foregoing paragraphs, to determine whether its personnel were engaged in the performance of official duty. Such determination shall be made as soon as possible after the arising of the claim concerned. When the other party disagrees with the results of such determination that party may bring the matter before the Joint Committee for consultation under the provisions of Article XXVI of this Agreement.

5. Claims against members of or employees of the United States armed forces arising out of tortious acts or omissions in Japan not done in the performance of official duty shall be dealt with in the following manner:

(a) The Japanese authorities shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.

(b) The report shall be delivered to the United States authorities, who shall then decide without delay whether they will offer compensation, and if so, of what amount.

6. (a) Members of and civilian employees of the United States armed forces, excluding those employees who have acquired Japanese nationality, shall not be subject to suit in Japan with respect to claims specified in paragraph 3, but shall be subject to the civil jurisdiction of Japanese courts with respect to all other types of claims.

(b) In case any private movable property, excluding property owned by the United States armed forces, which is subject to execution under Japanese law, is within the facilities and areas controlled by the United States armed forces, the United States authorities shall, upon the request of Japanese courts, possess and turn over such property to the Japanese authorities.

(c) The United States authorities shall cooperate with Japanese authorities in making available witnesses and evidence for proceedings in Japanese tribunals.

7. Disputes arising out of contracts concerning the purchase or sale of materials, supplies, equipment, services, and labor by the United States armed forces, which are not resolved by the United States, the contract concerned, may be submitted to the Joint Commission for Conciliation, provided that the provisions of this paragraph shall not prejudice any right which the parties to the contract may have in a civil suit.

ARTICLE XIX

1. Members of the United States armed forces, the civilian component, and their dependents, shall be subject to the foreign exchange controls of the Japanese Government.

2. The preceding paragraph shall not be construed to prohibit the transmission into or outside of Japan of United States dollar instruments representing the official funds of the United States or realized as a result of service or employment in connection with this Agreement by members of the United States armed forces, the civilian component, or realized by such persons and their dependents from sources outside of Japan.

3. The United States authorities shall take suitable measures to preclude the abuse of the privileges stipulated in the preceding paragraph or circumvention of the Japanese foreign exchange controls.

ARTICLE XX

1. (a) United States military payment certificates denominated in dollars may be used by persons authorized by the United States for internal transactions within the facilities and areas in which the United States armed forces are stationed. The United States Government shall not

jurisdiction involved in the counterfeiting or uttering of counterfeit military payment certificates.

(b) It is agreed that the United States authorities will apprehend and punish members of the United States armed forces, the civilian component, or their dependents, who tender military payment certificates to unauthorized persons and that no obligation will be due to such unauthorized persons or to the Japanese Government or its agencies from the United States or any of its agencies as a result of an unauthorized use of military payment certificates within Japan.

2. In order to exercise control of military payment certificates the United States shall have the right to designate certain American financial institutions to maintain and operate, under United States supervision, facilities for the use of persons authorized by the United States to use military payment certificates. Institutions authorized to maintain military banking facilities will establish and maintain such facilities physically separated from their Japanese commercial banking business, with personnel whose sole duty is to maintain and operate such facilities. Such facilities shall be permitted to maintain United States currency bank accounts and to perform all financial transactions in connection therewith including receipt and remission of funds to the extent provided by Article XIX, paragraph 2, of this Agreement.

ARTICLE XXI

The United States shall have the right to establish and operate within the facilities and areas in use by the United States armed forces, United States military post offices for the use of members of the United States armed forces, the civilian component, and their dependents, for the transmission of mail between United States military post offices in Japan and between such military post offices and other United States post offices.

ARTICLE XXII

The United States shall have the right to enroll and train all eligible United States citizens, residing in Japan, in the reserve organization of the armed forces of the United States, except that the prior consent of the Japanese Government shall be obtained in the case of persons employed by the Japanese Government.

ARTICLE XXIII

The United States and Japan will cooperate in taking such steps as may from time to time be necessary to ensure the security of the

ARTICLE XXIV

In the event of hostilities, or imminently threatened hostilities in the Japan area, the Governments of the United States and Japan shall immediately consult together with a view to taking joint measures for the defense of that area and to carrying out the purposes of Article I of the Security Treaty.

ARTICLE XXV

1. It is agreed that the United States will bear for the duration of this Agreement without cost to Japan all expenditures incurred for the maintenance of the United States armed forces in Japan except those to be borne by Japan as provided in paragraph 2.

2. It is agreed that Japan will:

(a) Furnish for the duration of this Agreement without cost to the United States and make compensation where appropriate to the owners and suppliers thereof all facilities, areas and services, including facilities and areas jointly used such as airfields and ports, as provided in Articles II and III of the Agreement.

(b) Make available without cost to the United States for the effective date of any new arrangement reached as a result of the reexamination, an amount of Japanese currency equivalent to one million yen per annum for the purpose of procurement by the United States of transportation and of the requisite services and supplies in Japan. The rate of exchange at which yen payments shall be credited shall be the official par value, or that rate considered most favorable by the United States which on the day of payment shall be available to any party, authorized by the Japanese Government to be used in any transaction with any party by the Japanese Government or its agencies or by Japanese banks authorized to deal in foreign exchange, and which, if both countries have agreed par value with the International Monetary Fund, is not prohibited by the provisions of Agreement of the Fund.

3. It is agreed that arrangements will be effected between the Governments of the United States and Japan for accounting and for financial transactions arising out of this Agreement.

ARTICLE XXVI

1. A Joint Committee shall be established as the means for consultation between the United States and Japan on all matters of mutual consultation regarding the implementation of this Agreement. In particular, the Joint Committee shall serve as the means for

procedures, and arrange for such auxiliary organs and administrative services as may be required. The Joint Committee shall be so organized that it may meet immediately at any time at the request of the representative of either the United States or Japan.

3. If the Joint Committee is unable to resolve any matter, it shall refer that matter to the respective Governments for further consideration through appropriate channels.

ARTICLE XXVII

1. This Agreement shall come into force on the date on which the Security Treaty between the United States and Japan enters into force.¹

2. Each party to this Agreement undertakes to seek from its legislature necessary budgetary and legislative action with respect to provisions of this Agreement which require such action for their execution.

ARTICLE XXVIII

Either party may at any time request the revision of any Article of this Agreement, in which case the two Governments shall enter into negotiation through appropriate channels.

ARTICLE XXIX

This Agreement, and agreed revisions thereof, shall remain in force while the Security Treaty remains in force unless earlier terminated by agreement between the parties.

In witness whereof the representatives of the two Governments duly authorized for the purpose, have signed this Agreement.

Done at Tokyo, in duplicate, in the English and Japanese languages, both texts authentic, this twenty-eighth day of February 1952.

48. INTERIM SECURITY ARRANGEMENTS UPON TERMINATION OF ALLIED OCCUPATION: Exchange of Notes Between the Special Representative² of the President of the United States and the Japanese Foreign Minister,³ February 28, 1952⁴

pation of Japan by the Allied Powers comes to an end on the date when the Treaty of Peace with Japan,¹ the use of facilities and areas by United States forces on the basis of occupation also comes to an end on the same date; thereafter facilities and areas by United States forces must be based on agreement between the two Governments, subject to the rights which Japan might have under the Treaty of Peace with Japan, the Treaty,² and the Administrative Agreement.³ I hereby state that such is also the opinion of the United States Government.

In Article II, paragraph 1, of the Administrative Agreement it is stipulated that, "Agreements as to specific facilities and areas already reached by the two Governments by the effect of this Agreement, shall be concluded by the two Governments through the Joint Committee provided for in Article XXVI of this Agreement." The United States Government is confident that our two Governments are agreed that consultation shall be on an urgent basis to complete such arrangements at the earliest possible date. In this mind, the United States Government is prepared to join the Japanese Government in constituting a Preliminary Working Group consisting of a representative and the necessary staff of the United States Government, to begin such consultations immediately, with the understanding that the arrangements made by the Preliminary Working Group shall be put into effect as agreed and that the Preliminary Working Group would be taken over by the Joint Committee upon the effective date of the Administrative Agreement.

However, unavoidable delays may arise in the determination of the preparation of facilities and areas necessary to carry out the arrangements stated in Article I of the Security Treaty. It would be regretted, therefore, if Japan would grant the continued use of particular facilities and areas, with respect to which agreements for such arrangements have not been completed by the expiration of 60 days after the effective date of the Treaty of Peace with Japan, pending the completion of such agreements and arrangements.

Accept, Excellency, the assurances of my highest consideration.

His Excellency

KATSUO OKAZAKI,
*Minister of State,
Tokyo.*

¹ Treaty of Sept. 8, 1951; *supra*, pp. 425-440. The Treaty of Peace with Japan came into force Apr. 28, 1952.

² Treaty of Sept. 8, 1951; *supra*, pp. 885-886.

³ Agreement of Feb. 28, 1952; *supra*.

*Japanese Note**Translation*

THE GAIMUSHO

FEBRUARY 28, 1952.

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date in which Your Excellency has informed me as follows:

[*There follows the text of the note of the President's Special Representative.*]

The Japanese Government fully shares the desire of the United States Government to initiate consultations on an urgent basis in order to complete arrangements for the use of facilities and areas as early as possible. The Japanese Government agrees, therefore, to the immediate constitution of the Preliminary Working Group referred to in Your Excellency's Note, with the understanding that the arrangements made by the Preliminary Working Group shall be put into effect as agreed and that the task of the Preliminary Working Group would be taken over by the Joint Committee upon the effective date of the Administrative Agreement.

With full appreciation of the contents of Your Excellency's Note, I have the honor, on behalf of the Japanese Government, to confirm that the Japanese Government will grant to the United States the continued use of those particular facilities and areas, with respect to which agreements and arrangements have not been completed by the expiration of ninety days after the effective date of the Treaty of Peace with Japan, pending the completion of such agreements and arrangements.

Accept, Excellency, the assurances of my highest consideration.

KATSUO OKAZAKI

His Excellency

DEAN RUSK,

*Office of the Special Representative
of the President of the United States
Tokyo.*

safeguarding, and enforcing of the neutrality of the United States of America and the strengthening of our national defenses within the limits of peace-time authorizations; and

WHEREAS by Proclamation No. 2487 of May 27, 1941,¹ I proclaimed the existence of an unlimited national emergency that the military, naval, air, and civilian defenses of the United States be put on the basis of readiness to repel any and all acts of aggression directed toward any part of the Western Hemisphere;

WHEREAS acts of aggression against the United States by Axis Powers subsequently led to declarations by the United States of the existence of states of war between the United States and Japan,² Germany,³ Italy,⁴ Hungary,⁵ Rumania⁶ and

and

WHEREAS the state of war between the United States and Japan, which was the last of the aforesaid states of war existing, was terminated by the coming into force of the Treaty of Peace with Japan signed at San Francisco on September 8, 1951:⁸

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do proclaim that the national emergency that I proclaimed to exist by the proclamations of September 8, 1939, and May 27, 1941, terminated this day upon the entry into force of the Treaty of Peace with Japan.

Nothing in this proclamation shall be construed to affect the validity of Proclamation No. 2914, issued by the President on December 8, 1941, declaring that world conquest by communist imperialism is a grave danger to the forces of aggression that have been loosed upon the United States, in proclaiming the existence of a national emergency requiring the mobilization of the military, naval, air, and civilian defenses of this country to be met as speedily as possible to the end that we may be able to repel any and all threats against our national security and the fulfillment of our responsibilities in the efforts being made through the United Nations and otherwise to bring about lasting peace; and nothing in this proclamation shall be construed to affect the continuation of the said emergency proclaimed on September 8, 1939, as specified in the Emergency Powers Act, approved April 14, 1952 (Public Law 40-218, 70 Stat. 1945, 1952 Congress),¹⁰ for the purpose of continuing the use of the said emergency powers under the Act of October 14, 1940, ch. 862, 54 Stat. 1125.

¹ 55 Stat., pt. 2, p. 1647.

² Joint resolution of Dec. 8, 1941; *A Decade of American Foreign Policy*, p. 502.

³ Joint resolution of Dec. 11, 1941; *ibid.*, p. 502.

⁴ *Ibid.*, p. 455.

⁵ Joint resolution of June 5, 1942; *ibid.*, p. 482.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *Supra*, pp. 425-440.

⁹ 15 Fed. Reg. 9029.

¹⁰ 66 Stat. 54.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-eighth day of April in the year of our Lord nineteen hundred and fifty-two, and of the Independence of the United States of America the one hundred and seventy-sixth.

[SEAL]

The Defense Capacity and Economic Viability of Sovereign Japan, 1953-1955

50. REPELLING VIOLATIONS OF JAPANESE TERRITORIAL AIR BY FOREIGN MILITARY AIRCRAFT: Note From the American Embassy at Tokyo to the Japanese Foreign Ministry, January 16, 1953 ¹

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to acknowledge receipt of the Ministry's Note ² concerning violations of Japan's territorial air over Hokkaido by foreign military planes.

The United States Government has noted that the Japanese Government considers such trespasses to constitute a grave menace to the security of Japan. It has further noted the request of the Japanese Government that the United States authorities take effective and appropriate measures to repel similar violations of Japan's territorial air should they occur in the future.

In accordance with the request of the Japanese Government the United States Government has instructed the Commander-in-Chief Far East Command, with all practicable assistance from the Japanese Government, to take all possible measures necessary and proper under terms of the Security Treaty between the United States and Japan dated September 8, 1951, to repel all such violations of Japan's territorial air.

51. AMERICAN RIGHTS IN THE RYUKYU ISLANDS: Note From the Secretary of State to the Japanese Prime Minister, ³ August 8, 1953 ⁴

islands as soon as necessary arrangements can be concluded with the Government of Japan.

With respect to the other islands included under article 2 of the Japanese peace treaty, it will be necessary during the period of international tensions in the Far East for the United States to maintain the degree of control and authority now exercised. The United States will thus be able to carry out more effectively its responsibilities under the security treaty between the United States and Japan and to contribute to the maintenance of peace and security in the Far East. Meanwhile, the United States will make increased effort to improve the welfare of the inhabitants of these islands.

52. THE MILITARY SECURITY AND ECONOMIC COOPERATION OF JAPAN: Joint Statement by the Assistant Secretary of State for Far Eastern Affairs ¹ and the Personal Representative of the Japanese Prime Minister, October 30, 1953 ³

Mr. Hayato Ikeda, the personal representative of the Prime Minister of Japan, and his party had a series of conferences with Mr. Robert A. Robertson, Assistant Secretary of State for Far Eastern Affairs, and other officials of the United States Government during the past several weeks.

The talks covered various interrelated problems of mutual interest, such as Japan's defense buildup, United States assistance for United States postwar economic aid (GARIOA), foreign trade, and trade with Communist China. The informal exchange of views on these subjects was most profitable and lays the groundwork for further cooperation between the two countries. The discussions were exploratory and no agreements were entered into. Certain mutual understandings are set forth below.

The conferees agreed on the necessity of increasing Japan's defense forces in order to protect her from possible aggression and to reduce the United States burden related to the defense of Japan. It was, however, noted that under present circumstances Japan's constitution, constitutional, economic, budgetary and other limitations would not allow the immediate building of Japan's self-defense forces to a point sufficient for Japan's defense. With due regard to these conditions, continued effort on the part of Japan will be made to speed the build-up. Subject to necessary Congressional authorization, the United States conferees offered to assist Japan in developing her Japanese forces by supplying major items of military equipment.

future by representatives of the two governments with a view to reaching a definite understanding.

The conferees agreed that a reduction in Japan's contribution to the support of United States forces should be considered from time to time in the light of the development of Japan's own forces. It was also agreed that the withdrawal of the United States forces from Japan would be effected as the Japanese forces develop the capability to defend their country.

The conferees considered that \$50 million is a reasonable target amount for commodities to be supplied to Japan under Section 550 of the Mutual Security Act.¹ It is contemplated that the local currency proceeds of the sale of such agricultural products will be used to help develop the defense production and the industrial potential of Japan through offshore procurement and investment. Necessary arrangements will be executed to cover the requirements of Section 550 and the related defense support activities.

The conferees recognized that pending a political settlement in Korea it is important to maintain a high level of controls over trade with Communist China. However, the implications of these controls for Japanese trade are such that the United States and Japan will continue current consultations on the items to be controlled.

The United States conferees attached great importance to an early settlement for GARIOA aid. It was agreed to hold a meeting in Tokyo in the near future between representatives of the United States and Japan with a view to reaching an agreement on the settlement.

As to foreign investment in Japan, the investment guaranty program under the Mutual Security Act and the Contact Clearing House Service, as well as the services of the United States Department of Commerce, were suggested as helpful measures to be taken on the side of the United States, while willingness on the part of Japan to liberalize Japanese laws and regulations pertaining to foreign investments was expressed by the Japanese conferees in order to create a better climate for foreign investment.

The Japanese conferees expressed their belief that vigorous efforts on the part of Japan to resist inflation are most important in order to strengthen Japan's economic position and to promote further economic cooperation between the United States and Japan.

It was gratifying for all the conferees to learn that while they were in conference the \$40 million loans for Japanese thermal electric projects were signed by the International Bank and Japanese representatives,² and that the \$60 million cotton credit to Japan was announced by the Export-Import Bank of Washington.³

¹ *Infra*, pp. 3085-3086.

² Department of State *Bulletin*, June 22, 1953, p. 878.

³ *Ibid.*, May 11, 1953, pp. 681-682.

53. RESTORATION OF JAPANESE SOVEREIGNTY OF THE AMAMI OSHIMA ISLANDS (RYUKYU GROUP): Statement by the Secretary of State, December 24, 1953¹

1. By arrangements concluded today in Tokyo,² the Government of the United States has relinquished in favor of Japan its rights under article III of the Japanese peace treaty over the Amami Oshima Islands of the Ryukyu Islands.

2. Questions have been raised regarding the intentions of the United States with respect to the remaining islands specified in article III of the peace treaty.³

3. The United States Government believes that it is essential to the success of the cooperative effort of the free nations of Asia and the Pacific world in the direction of peace and security, that the United States continue to exercise its present powers and rights in the Ryukyu Islands and in the other islands specified in article III of the Japanese peace treaty so long as conditions of threat and tension exist in the Far East.

4. The United States earnestly hopes that progress can be made toward reducing tensions, and we will spare no effort toward that end until conditions of genuine stability and confidence are achieved. It is the need of the free nations to preserve an armed vigilance against aggression that is an imperative. It would be an abdication of responsibility to the common effort of these free nations, including Japan, for the United States to adopt any other course than here set out, since the Ryukyu Islands and other islands specified in article III of the Japanese peace treaty constitute an essential link in the strategic defense of the Pacific area. Accordingly, the United States intends to continue to be the custodian of these islands for the foreseeable future. In exercising its treaty rights, the United States will not only continue to have the power to improve the welfare and well-being of the inhabitants of the Ryukyus, but it will continue to safeguard economic intercourse throughout the Archipelago.

54. THE NEED FOR A STRONG JAPAN: Address by the Assistant Secretary of State for Far Eastern Affairs, February 19, 1954 (Excerpt)⁵

We gave strong encouragement during the Occupation

Japanese people of their rights and opportunities in the years before the war and had led Japan to disaster. It is a conviction of the American people that a stable and progressive society is one in which economic and political power is widely dispersed. This is, of course, one of our outstanding points of difference with the Marxists, whose practice—whatever their theory—is to concentrate ever more power in ever fewer hands for the benefit of an ever smaller number of people.

If I may further condense the statement of our objective in the Occupation, I should say that it was to promote the creation of a strong Japan, in the true and best sense of the word. Unfortunately, a cardinal element of strength was left out of our concept. We and our allies, including those who had been occupied by the Japanese army, did that which had come to be normal after total war: We totally disarmed the enemy. In addition, Japan with our encouragement renounced military forces in its Constitution.¹ It was not that we wished to leave Japan helpless in the face of deadly danger. On the contrary. We failed to recognize that there was such a danger or to realize what kind of world we were living in and were to live in. We put our faith in the partnership of the United Nations, which had been forged in a war against aggression. We did not discriminate against Japanese safety; we impartially rushed to disarm ourselves as well.

The Japanese are now entirely in command of their country. Our relations with them are those of collaboration between friends and equals. The American troops in Japan are there for the same reason and on the same basis as those in Western Europe—in recognition that the problem of defense against aggression today transcends nationality and does not permit any of us the luxury of living unto himself. As far as we are concerned, nothing in our relations with Japan today reflects the relationship of winner or loser, occupier or occupied. I trust that the great majority of Japanese feel this statement is true.

Today, our hopes for Japan are the same as those of the Occupation. We should like to see a strong Japan, and a Japan whose strength includes adequate defense forces. This is, of course, our policy with respect to all free peoples. I think we have proved that we should like to see all the free peoples grow in strength. But our hopes for Japan have a special meaning and urgency. For in all the expanse of Asia, from the Urals and the Persian Gulf on the west to the Pacific on the east, Japan is alone in being an exporter of the industrial revolution, of its science, its technology, its skills, its machines, its

with communism is not primarily an American affair. The neutrals dearly love to picture it, a conflict between powers. The Communist danger concerns most immediate countries on the borders of the Communist empire exposed to its rapacity. The United States has drawn fire of the Communists because those countries have looked to support them and have not looked in vain. While the United States has, of course, the power to attack the United States where we have been assisting those directly threatened—Turkey, the countries of Western Europe, Berlin and the Federal Republic, Southeast Asia and, of course, Korea—that we have come into conflict with the U.S.S.R. The Russians are quite aware of this, much as they would like the world believe that it is only capitalist America that stands for universal peace and brotherhood. We could put an end to the anti-American propaganda pouring out of Moscow. We could present the world with a spectacle of the association between Americans and Soviet Russians and Communists. We could eliminate with a single gesture the bothersome tensions we hear so much about. All we need do is wash our hands of the countries on the borders of the Communist empire and leave them to the mercies of what Chou En-lai calls a camp of peace and democracy headed by the Soviet Union—that would be, of course, the last way in which to serve our interests. It would lead to the progressive overpowering of the free world and ultimately to our own destruction.

The second point to be emphasized is that our reason for wanting to see the Japanese build adequate defense forces is not because we wish to see the Japanese fighting the Communist. The primary purpose of an army is not to fight. It is quite the opposite. The primary purpose of an army is to secure the nation without fighting. To the Soviet Union, the Red Army is a weapon of intimidation to be used in causing other countries to submit without the firing of a shot. To us in the free world, our armed forces are the means of preventing that from happening and maintaining our safety in peace. We know only too well that our establishments are expensive. We look forward to the day when the Soviet Union will agree to a fair system of disarmament. We believe that the sooner all sectors of the free world agree to this, the stronger, the sooner that day will come.

February 1936, when vicious attacks were launched on the Japanese civil government by groups of army officers.¹ It seems to us that the conditions of 1954 are distinctly different. The Japanese people are now possessed of the means required to prevent the accumulation of power in the hands of a military caste. They have free elections; they have a representative Diet; they have a free press; they have a Constitution in which human rights are firmly embedded; and above all, they have the experience of the past ever before them.

To assume that, because Japan embarked on imperialist adventure in the past, she is likely to do so again is to take a hopeless view of human affairs. However much we may lament it, the fact is that many of the most respected members of the family of nations have yielded to imperialist urges in the past. Militarism, expansionism, aggressiveness are—we must conclude—not endemic with certain nationalities but epidemic under certain economic, social, and political conditions. We should be watchful not of particular races but of particular circumstances that cause nations to act in certain ways.

Japan has, of course, made a beginning in the development of the means to protect herself. In the future increase in the size of the Japanese Defense Forces, which the Japanese Government has recognized is necessary, we have agreed to help by providing major items of land, sea, and air equipment. We may hope the time is not too remote when Japan—in the words of the Security Treaty of 1951²—will be ready “to assume responsibility for its own defense” and we can bring our troops home.

I have talked as if our expectations of Japan lie altogether in the realm of resistance to Communist military aggression. That is not my meaning. The role that awaits Japan is in our view far broader than that. For I think we must recognize that Communist imperialism is only a current symptom, and only one symptom, of ancient and deep-seated evils. The real enemy is the condition that produces communism. The real problem is the problem of human desperation. It is a pitiable aspect of human beings that the more desperate and frightened they are, the readier they are to grasp at panaceas and promises of the millennium, the more susceptible they are to counsel of violence and extremism, the quicker they are to follow the fanatic. The world in our lifetime has presented vast opportunities for imposing upon the credulities of suffering, bewildered humanity. There has been the damage done to men's nerves by the ferocity of our wars, the devastation left by those wars, the upsetting impact of half-understood scientific discoveries upon religious faiths, the bewilderment and confusion of youths and intellectuals looking for something to believe, the

able to exploit the vast physical, spiritual, and intellectual of our era to build brutal, terroristic totalitarianisms combining immense military forces and dreams of world with fantastic dogmas of self-justification.

It is in the disillusionment and despair of so many here that the fundamental danger lies, that the real challenge those with the means of alleviating to some degree the conditions make for such disillusionment and despair. It is in this I believe that Japan can in time find its most important mission. Japanese, with their productive capacities and their technological skills, have the potential of contributing importantly to have tried to contribute, to relieving the largely voiceless the hundreds of millions of Asia and of helping them to build a more able and rewarding future. To make headway in this task requires the resources of the free peoples. Japanese resources of men cannot be dispensed with.

In speaking of Japan's role as a great industrial nation—for that matter—I do not mean to suggest that for all its materialistic solutions. What I do contend is that while peace to those who have lived amid the terrors of war and we bring medicines to those who are sick and food to the hungry, there is never any question in our hearts that we are in a great work with a meaning and consequences transcending material.

JAPAN'S ECONOMIC SITUATION

What Japan can contribute in the future must obviously depend on her state of health. The facts about Japan's economic stand out in bold relief and are doubtless already well known. The recovery of Japanese production has been one of the phenomena of the postwar years. It is now 50 percent more than it was in 1940. On the other hand, there is the alarming Japanese trade. Japan must import 20 percent of its goods each year there was a failure of the rice crop in Japan. Very little rice was produced in 1953 than in 1934, when there was a failure. But when in 1934 the population of Japan was 65 million now it is 87 million. Last year the greater part of what Japan bought by selling her products abroad went to buy food from abroad. In the continuing increase in Japan's population, the abnormal situation of 1953 may become normal.

It is, of course, not in food alone that Japan is unable to meet her own needs. Japan is lacking in most of the natural resources

however. The plain fact is that Japan is living beyond her earnings from normal sources by about a billion dollars a year. Japan must sell much more abroad. If she is unable to do so we shall be back in 1930—with differences that are apparent to us all.

Trade with Communist China is not the answer. If all restrictions were removed, we believe such trade would only slightly affect Japan's commercial deficit; and to the extent that Japan supplied strategic goods to augment Communist China's war potential—which is what the Chinese Communists want—Japan would be sowing the whirlwind. For above anything else, the Chinese Communists would like to undermine or overpower Japan.

It is also not enough to say that Japan can find a natural trading partner in Southeast Asia. Certainly Southeast Asia needs Japanese manufactured goods. It is buying them at the rate of several hundred million dollars a year. This amount could, of course, be increased by devices to tie Southeast Asia's economy to Japan. But these are out of the question. Japan's products must compete for markets on their merits. And other countries—notably Great Britain, France, the Netherlands, and the United States—are also seeking to expand their trade with Southeast Asia.

What then is the answer? Here is what the Japanese tell us. After noting that there are difficult and stubborn internal problems they themselves must solve, they say "The Japanese nation . . . can exert very little control over the elements which are shackling her foreign trade. These problems—undeveloped or unavailable nearby supply sources, unstable export markets, inconvertibility of foreign currencies, tariff and export-import quota limitations—are primarily in the field of international relations and their solution is dependent upon the development of goodwill and cooperation between the sovereign nations of the free world . . . The United States is the greatest economic power in the world today. Actions taken by the U.S. Government, which appear to the average American situated in this powerful economy to be minor and unimportant, may have a tremendous effect upon the economies of other, less stable countries. Therefore, the foreign economic policy of the United States is of worldwide significance."

NEED FOR INCREASED PURCHASING POWER

I think we must admit the force of what the Japanese say. I might add one thing. I would say that what is most required, if the economies of Japan and other nations dependent on a large volume of foreign trade are to be viable, is a continuing rise in the purchasing

The report of the Randall Commission on United States Economic Policy released last week makes important recommendations on the subjects we are discussing.¹ Among these are that technical cooperation program be pressed forward vigorously; that the Government contribute all it can to the creation abroad of conditions conducive to private foreign investment, and that our Government extend loans to countries where substantial economic aid is in our interests and cannot be provided by private or international sources. I might add that it is by applying such policies in Southeast Asia that we could do most to bring about an fruitful economic relationship between Southeast Asia and the United States. But the recommendations of the Randall Commission with particular bearing on our policy toward Japan are that our customs laws should be simplified and that the President should be authorized to reduce our tariffs by 5 percent per year for 3 years and to make further reductions in the case of goods on which the tariff is manifestly and proportionately high. We have lowered our tariffs by 5 percent, and will lower them further, not out of charity for foreign producers but out of appreciation of our self-interest. The economic gains of such negotiations between two countries accrue to both. Every dollar Japan makes for us she will spend buying from us.

Moreover—and this might be even more significant—the passage of trade agreement legislation enabling the United States to negotiate trade agreements with Japan would be of great significance to Japan. The Japanese Government has taken the view that its accession to the General Agreement on Tariffs and Trade, inelegantly known as GATT—by which the participating nations guarantee one another most-favored-nation treatment, would be a most beneficial single step Japan could take toward obtaining the kind of nondiscriminatory treatment for its exports. We agree that it is of great significance in Japan's foreign trade prospects would be the opportunity for Japan to enter into trade agreement negotiations with the individual contracting parties to GATT for the purpose of securing reductions in tariffs on a reciprocal basis. It is essential that the United States continue to lead other countries in such multilateral efforts.

Quite apart, however, from the matter of profit in international trade, we must consider the paramount interest we have in the economic health of the free nations. The economic collapse of Japan, with all the consequences that must follow from it, could be a thing like disaster for the free world. There is no excuse for not being perfectly clear upon this point. Perhaps no decision more crucial than those we make with respect to the reduction of imports. The issue at stake is the economic health of the free world.

would benefit from. This is putting the question in harsh terms, but the realities we face are themselves of an unrelenting harshness.

I have set forth in general terms what our policy is toward Japan up to the present and I have suggested what many well-informed persons believe is required in the future. Both the Japanese and we in the United States are facing crucial decisions. What we must hope is that these decisions will be made in the two countries on the basis of the actual alternatives that offer and with full regard for the realities that mean so much to us both.

55. MUTUAL DEFENSE ASSISTANCE AGREEMENT, MARCH 8, 1954¹

The Government of the United States of America and the Government of Japan,

Desiring to foster international peace and security, within the framework of the Charter of the United Nations, through voluntary arrangements which will further the ability of nations dedicated to the purposes and principles of the Charter to develop effective measures for individual and collective self-defense in support of those purposes and principles;

Reaffirming their belief as stated in the Treaty of Peace with Japan signed at the city of San Francisco on September 8, 1951² that Japan as a sovereign nation possesses the inherent right of individual or collective self-defense referred to in Article 51 of the Charter of the United Nations;

Recalling the preamble of the Security Treaty between the United States of America and Japan, signed at the city of San Francisco on September 8, 1951,³ to the effect that the United States of America, in the interest of peace and security, would maintain certain of its armed forces in and about Japan as a provisional arrangement in the expectation that Japan will itself increasingly assume responsibility for its own defense against direct and indirect aggression, always avoiding any armament which could be an offensive threat or serve other than to promote peace and security in accordance with the purposes and principles of the Charter of the United Nations;

Recognizing that, in the planning of a defense assistance program for Japan, economic stability will be an essential element for consideration in the development of its defense capacities, and that Japan can contribute only to the extent permitted by its general economic condition and capacities;

Mutual Security Act of 1951, as amended,¹ which provide for the furnishing of defense assistance by the United States of America for the furtherance of the objectives referred to above; and

Desiring to set forth the conditions which will govern the furnishing of such assistance;

Have agreed as follows:

ARTICLE I

1. Each Government, consistently with the principle that the stability of the world is essential to international peace and security, and that such assistance shall be available to the other and to such other governments as may be signatory to the present Agreement may in its discretion agree upon, such equipment, materials, services, or other assistance as the Government furnishing such assistance may authorize in accordance with such detailed arrangements as may be made between them. The furnishing and use of any such assistance authorized by either Government shall be consistent with the Charter of the United Nations. Such assistance as may be made available by the Government of the United States of America pursuant to the present Agreement will be furnished under those provisions subject to all of those terms, conditions and termination provisions of the Mutual Defense Assistance Act of 1949, the Mutual Security Act of 1951, acts amendatory and supplementary thereto, and appropriation acts thereunder which may affect the furnishing of such assistance.

2. Each Government will make effective use of assistance furnished pursuant to the present Agreement for the purposes of promoting international peace and security in a manner that is satisfactory to both Governments, and neither Government, without the prior consent of the other, will devote such assistance to any other purpose.

3. Each Government will offer for return to the other, in accordance with terms, conditions and procedures mutually agreed upon, equipment or materials furnished under the present Agreement, and equipment and materials furnished on terms requiring reimbursement, and no longer required for the purposes for which it was made available.

4. In the interest of common security, each Government agrees not to transfer to any person not an officer or agent of such Government, or to any other government, title to or possession of such equipment, materials, or services received pursuant to the present Agreement, without the prior consent of the Government which furnished such assistance.

America as a result of deficiencies or potential deficiencies in its own resources, and which may be available in Japan. Arrangements for such transfers shall give due regard to requirements for domestic use and commercial export as determined by the Government of Japan.

ARTICLE III

1. Each Government will take such security measures as may be agreed upon between the two Governments in order to prevent the disclosure or compromise of classified articles, services or information furnished by the other Government pursuant to the present Agreement.

2. Each Government will take appropriate measures consistent with security to keep the public informed of operations under the present Agreement.

ARTICLE IV

The two Governments will, upon the request of either of them, make appropriate arrangements providing for the methods and terms of the exchange of industrial property rights and technical information for defense which will expedite such exchange and at the same time protect private interests and maintain security safeguards.

ARTICLE V

The two Governments will consult for the purpose of establishing procedures whereby the Government of Japan will so deposit, segregate, or assure title to all funds allocated to or derived from any programs of assistance undertaken by the Government of the United States of America so that such funds shall not be subject to garnishment, attachment, seizure or other legal process by any person, firm, agency, corporation, organization or government, when the Government of Japan is advised by the Government of the United States of America that any such legal process would interfere with the attainment of the objectives of the program of assistance.

ARTICLE VI

1. The Government of Japan will grant

a. Exemption from duties and internal taxation upon importation or exportation to materials, supplies or equipment imported into or exported from its territory under the present Agreement or any similar agreement between the Government of the United States of America and the Government of any

or any similar agreement between the Government of the United States of America and the Government of any other country receiving assistance.

2. Exemption from duties and exemption from and refund of Japanese taxes as enumerated in the attached Annex E will apply in addition, to any other expenditures of or financed by the Government of the United States of America for materials, supplies, equipment and services for mutual defense, including expenditures made in conformity with the Security Treaty between the United States of America and Japan or any foreign aid program of the Government of the United States of America under the Mutual Security Act of 1951, as amended, or any acts supplementary, amendatory or necessary thereto.

ARTICLE VII

1. The Government of Japan agrees to receive personnel of the Government of the United States of America who will discharge on the territory of Japan the responsibilities of the latter Government regarding equipment, materials, and services furnished under the present Agreement, and who will be accorded facilities to observe the progress of the assistance furnished by the Government of the United States of America under the present Agreement. Such personnel who are nationals of the United States of America, including personnel temporarily assigned, will, in their relationships with the Government of Japan, operate as part of the Embassy of the United States of America under the direction and control of the Chief of the Diplomatic Mission, and will have the same privileges and immunities as are accorded to other personnel with corresponding rank in the Embassy of the United States of America.

2. The Government of Japan will make available, from time to time, to the Government of the United States of America funds in yen for the administrative and related expenses of the latter Government in connection with carrying out the present Agreement.

ARTICLE VIII

The Government of Japan, reaffirming its determination to continue in promoting international understanding and good will, and maintaining world peace, to take such action as may be mutually agreed upon to eliminate causes of international tension, and to fulfill its military obligations which the Government of Japan has assumed under the Security Treaty between the United States of America and Japan, will make, consistent with the political and economic stability of Japan, the full contribution permitted by its manpower, resources, facilities and general economic condition to the development and maintenance of its own defensive strength and the defensive strength of the free world, take all reasonable measures which may be needed

the effective utilization of any assistance provided by the Government of the United States of America.

ARTICLE IX

1. Nothing contained in the present Agreement shall be construed to alter or otherwise modify the Security Treaty between the United States of America and Japan or any arrangements concluded thereunder.

2. The present Agreement will be implemented by each Government in accordance with the constitutional provisions of the respective countries.

ARTICLE X

1. The two Governments will, upon the request of either of them consult regarding any matter relating to the application of the present Agreement or to operations or arrangements carried out pursuant to the present Agreement.

2. The terms of the present Agreement may be reviewed at the request of either of the two Governments or amended by agreement between them at any time.

ARTICLE XI

1. The present Agreement shall come into force on the date of receipt by the Government of the United States of America of a written notice from the Government of Japan of ratification of the Agreement by Japan.¹

2. The present Agreement will thereafter continue in force until one year after the date of receipt by either Government of a written notice of the intention of the other to terminate it, provided that the provisions of Article I, paragraphs 2, 3 and 4, and arrangements entered into under Article III, paragraph 1 and Article IV shall remain in force unless otherwise agreed by the two Governments.

3. The Annexes² to the present Agreement shall form an integral part thereof.

4. The present Agreement shall be registered with the Secretariat of the United Nations.

IN WITNESS WHEREOF the representatives of the two Governments, duly authorized for the purpose, have signed the present Agreement.

DONE in duplicate, in the English and Japanese languages, both equally authentic, at Tokyo, this eighth day of March, one thousand nine hundred fifty-four.

¹ May 1, 1954.

² Not reprinted here.

56. ECONOMIC POSITION OF JAPAN: Statement Secretary of State at a News Conference, August 10,

The United States recognizes that one of the major problems is the problem of finding opportunities whereby Japan, with its large and industrious population, can find a way to earn a profitable living in the world.

Japan itself possesses very few natural resources, and cannot produce enough food for its people. It produces normal amounts of the foodstuffs that the people require. This is somewhat less because there was a bad failure of the rice crop. That means the Japanese have to be importing goods and raw materials and manufacturing raw materials into articles which are part of the world needs. Goods which are distinctly of Japanese origin generally pay rather high tariff duties throughout the world. Japan has not been heretofore brought into the GATT organization, nor does it benefit from the reductions which have been made in tariff rates in favor of the distinctive products of many other countries.

It is the hope of the United States that steps may be taken to improve the opportunities for Japanese trade, not just in the United States, I will emphasize, but in other countries of the world. There are actually more natural markets for much of what Japan produces. There is no necessity actually to increase large-scale imports to the United States. What is needed, rather, is to find other areas of the world where the type of goods which Japan produces will be able to find markets.

The problem is a many-sided one. The negotiation of a trade agreement on a multilateral basis is one angle to the problem. Another angle to the problem is the need for an austerity program in Japan which has been lacking somewhat over recent years but which is now to be taking shape at the present time. Also there is the problem of developing markets in Asia, particularly in the Southeast, where there are large populations which need the kind of trade which Japan makes so well and which also produce food and raw materials which Japan needs.

All of these aspects of the problem need to be explored and will be explored.

Asked whether, in view of the fact that the administration has provided economic assistance for Japan this year, it may be necessary for the United States to reconsider the possibility of some direct aid to Japan this year, Mr. Dulles replied:

It is possible, but we do not think that that will be necessary.

from the standpoint of payment—possibly in terms of local currency. But we do not anticipate the necessity for any economic aid to Japan, on the assumption that the Japanese handle their own fiscal and commercial affairs with prudence and firmness.

It seems to us the situation can be dealt with without any direct economic aid. There is, of course, a certain amount of assistance that goes to Japan through our contribution to their enlarged security program. There are still a substantial number of U.S. troops in Japan who are spending money there. In that way there is a considerable amount of what you might call invisible exports to Japan which runs up into terms of several hundred million dollars. This is not nearly as big as it was at the height of the Korean War, when there were heavy purchases in Japan for use in Korea. There is a certain decline here, but the figure is still quite a substantial one.

7. REVIEW OF AMERICAN-JAPANESE RELATIONS: Joint Statement by the President of the United States and the Prime Minister of Japan, November 10, 1954 ¹

President Eisenhower and Prime Minister Yoshida met on November 9 and reaffirmed the spirit of friendly cooperation characterizing the relations between the United States and Japan. The Prime Minister also met with Secretary of State Dulles, Secretary of Treasury Humphrey, Secretary of Defense Wilson, and Director Stassen of the Foreign Operations Administration. The Prime Minister and Secretary Dulles at their meetings this week, after a full and frank exchange of views on matters of mutual interest, reviewed the conversations held during the past 3 weeks by representatives of the two governments.

I

The President and the Prime Minister agreed that the solidarity and determination of the free nations had greatly advanced the cause of world peace. They declared that their governments would, in cooperation with the free nations of Asia, continue their united efforts to maintain and promote the peace and prosperity of Asia. The Prime Minister reaffirmed his Government's determination to make a full contribution to those efforts and in particular stressed Japan's desire to cooperate, wherever possible, in the development of economic strength by the free nations of Asia.

The President and the Prime Minister declared that the goals of their governments are peaceful and that their peoples desire peace and

Japanese people is a matter of importance to the entire world. The achievement of improved economic conditions in Japan depends partly upon the ability of the Japanese people themselves to develop sound and constructive internal monetary and other economic policies and partly upon Japan's ability to expand its trade with other countries. By various means since the end of the war the United States has been able to contribute substantially to the economic growth which Japan has achieved. The United States is aware of the problems which Japan is making to solve its difficult economic problems and will continue to examine sympathetically means whereby it can help the Japanese people to advance their well-being.

A number of specific measures were discussed in the recent talks. A general agreement was reached that the United States will continue to operate with Japan in its efforts to expand its foreign trade and to achieve a better balance in its foreign economic relations. The United States further agreed that the United States would sell to Japan certain types of commodities and that a substantial portion of the proceeds from these sales will be used for Japan's domestic economic improvement, for defense support and for regional economic development. Other measures were discussed, such as the establishment of a productivity program in Japan and the mutual benefits which might arise from increased participation with the other free nations of South and Southeast Asia in the economic development of that area. Both sides agreed that these measures would be of marked benefit to Japan by helping to improve its economic position and facilitating its efforts to attain a higher standard of living.

III

United States representatives expressed regret over the incident on March 1 in which 23 Japanese fishermen were injured and killed, fatally—by the fall-out of radioactive materials following a nuclear test in the Pacific.¹ They emphasized their belief that peaceful use of atomic energy would be steadily developed and would become of great value to Japan and other friendly nations throughout the world.

IV

There was also discussion of the disposition of Japanese assets now vested by the United States, and representatives of the United States stated that this matter is under consideration. Among other matters reviewed were Communist efforts to weaken and discredit the positions of free governments in Asia, the request of Japan for consideration of the cases of war criminals, and the status of the Ryukyu and Bonin Islands in the light of the recent developments.

58. **BENEFICENT EFFECT OF JAPAN'S ACCESSION TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE:** Statement by the Department of State, July 22, 1955 ¹

The President on July 22, 1955, signed a proclamation ² to give effect to the results of the recent negotiations for the accession of Japan to the General Agreement on Tariffs and Trade. Under the Protocol for the Accession of Japan, which was signed for the United States on June 8, 1955,³ Japan will become a Contracting Party and the concessions negotiated between the United States and Japan will become effective on September 10, 1955, if by August 11, 1955, two-thirds of the Contracting Parties to the general agreement have cast favorable votes on a decision for the accession of Japan under the terms of the protocol. The proclamation provides that the date of entry into force of the concessions negotiated by the United States shall be notified by the President to the Secretary of the Treasury and published in the *Federal Register*. An analysis of the results of these negotiations was issued by the Department of State on June 9, 1955.⁴

As a result of the provisions of the exclusive trade agreement between the United States and Cuba, concluded on October 30, 1947, certain reductions in rates negotiated in connection with the accession of Japan will result in the elimination of the preferential tariff treatment now enjoyed by like Cuban products. There follows on page 230 a list of these Cuban products indicating the changes in duty which will result from the entry into force of the Protocol for the Accession of Japan.

The proclamation also provides that effect shall be given to concessions negotiated with Canada and the Benelux countries (Belgium, the Netherlands, Luxembourg) as compensation for statutory increases in the duty on fish sticks and on certain rubber-soled footwear, on both of which concessions had been granted in the general agreement. The proclamation provides that the date of the entry into force of these compensatory concessions shall be notified by the President to the Secretary of the Treasury and published in the *Federal Register*.

¹ Department of State *Bulletin*, Aug. 8, 1955, p. 226. See also statement of Aug. 22, 1955, by the Department of State and President Eisenhower's memorandum of that date to the Secretary of the Treasury; *ibid.*, Sept. 5, 1955, p. 397.

² 20 *Fed. Reg.* 5379; Department of State *Bulletin*, Aug. 8, 1955, pp. 226-231.

³ TIAS 3438; 6 UST 5833.

⁴ *General Agreement on Tariffs and Trade—Analysis of Protocol (including schedules) for Accession of Japan—Analysis of Renegotiations of Certain Tariff Concessions* (Department of State publication 5881; 1955).

⁵ TIAS 1703; 61 Stat., pt. 4, p. 3699.

59. STRENGTHENING THE DEFENSE CAPACITY

Joint Statement by the Secretary of State and the Foreign Minister, August 31, 1955¹

Mamoru Shigemitsu, Deputy Prime Minister and Foreign Minister of Japan, has concluded three days of discussions with Secretary of State John Foster Dulles and other high United States officials.

The Foreign Minister was accompanied among other officials by Kono, Minister of Agriculture and Forestry; Nobusuke Kishi, Secretary-General of the Japan Democratic Party; Ambassador to the United States Sadao Iguchi; Ambassador Toshikazu Kamekura, Permanent Observer to the United Nations; and Takizono, Deputy Chief Cabinet Secretary.

American officials in addition to the Secretary of State included with the Foreign Minister and members of his party included Secretary of State Herbert Hoover, Jr.; Deputy Secretary of State Reuben B. Robertson, Jr.; Chairman of the Joint Chiefs of Staff Admiral Arthur W. Radford; Mr. John Hollister, Director of International Cooperation Administration; Deputy Under Secretary of State Robert Murphy; Assistant Secretary of Defense Gray; Ambassador to Japan John M. Allison; and Acting Secretary of State for Far Eastern Affairs William J. Sebald.

A free and frank exchange of views from the global viewpoint was held concerning more recent international developments, the implications of the "Summit" meeting at Geneva,² the progress of the United Nations discussions on disarmament, and the impending meeting of Foreign Ministers at Geneva.³ The Far Eastern situation was also discussed. Secretary Dulles explained the policy of the United States to support freedom firmly while exploring peaceful avenues which may lead to the enhancement of general peace. Foreign Minister Shigemitsu drew on his experience in the Soviet Union and China in interpreting his nation's policies. The Secretary of State and the Foreign Minister concurred in the view that while the immediate danger of major war had perhaps receded there still remained elements of uncertainty in the situation, particularly in the Far East, and that the continued solidarity of the free world is needed to obtain improved prospects of peace.

The Foreign Minister expressed Japan's resolve to cooperate in close operation with the United States and the free world as the basis of its foreign policy. In this connection the Secretary of State and the Foreign Minister, recognizing the desirability of closer cooperation between their countries for the purpose of securing a more enduring peace in the Far East, agreed that consultation

The basic problems of Japanese security were discussed. The Foreign Minister indicated that Japan's defense strength has now reached a considerable level and expressed the firm determination that the policy of progressive increase will be continued within the limit of Japan's capacity. He explained the plans for increasing Japan's defense capabilities recently formulated by the Japanese defense authorities. It was agreed that these plans should be studied in the course of the continuing consultations in Tokyo on United States-Japanese defense relationships and should be reviewed from time to time in the light of strategic requirements.

It was agreed that efforts should be made, whenever practicable on a cooperative basis, to establish conditions such that Japan could, as rapidly as possible, assume primary responsibility for the defense of its homeland and be able to contribute to the preservation of international peace and security in the Western Pacific. It was also agreed that when such conditions are brought about it would be appropriate to replace the present Security Treaty¹ with one of greater mutuality.

With the conclusion of such a treaty as an objective, it was further agreed that consultations would take place in Tokyo between Japanese and United States representatives on defense problems and that in such consultations consideration will be given to the establishment of schedules for the progressive withdrawal of United States ground forces as Japan's own defense capacity increases and taking into account the related situation in Asia.

On the problem of Japan's financial contribution to the support of United States forces in Japan, there was agreement on the desirability of establishing a general formula for progressive reduction over the next several years.

The Foreign Minister emphasized Japan's need to expand its trade with other countries particularly in Asia and expressed appreciation for the help of the United States in assisting Japan to become a full member of the General Agreement on Tariffs and Trade.²

Secretary Dulles expressed current thinking about assistance for the economic development of the free nations of Asia pursuant to United States legislation. It was recognized that the measures planned would facilitate Japan's efforts to improve its economic position and attain a higher standard of living. The Secretary stressed the contribution to economic development which could be made by foreign private investment both in Japan and in other countries of the area.

The Foreign Minister requested the early release of war criminals under United States jurisdiction. The Secretary of State described the complexity of the problem and indicated that the question of the

that utmost efforts will be made to bring the negotiation on this subject between the two Governments to an early conclusion.

Throughout these talks the representatives of the United States and Japan recognized that Japan, as a major power in the Pacific, should play an active role in friendly cooperation with other Asian countries, contributing to stability and peace in Asia. They agreed to support Japan's efforts to establish internal stability, reconstruct its economy and strengthen its defense capacity, the basis for continuing cooperation between the United States and Japan. The United States Foreign Minister Shigemitsu and Secretary of State Dulles announced the renewal of the determination of their Governments to expand friendly relations further so that they together and with others may work for the consolidation of world peace and freedom.

E. THE REPUBLIC OF CHINA ON FORMOSA (TAIWAN) AND COMMUNIST CHINA

Immediate Results of Communist Seizure of Power in China, 1950

60. UNITED STATES POLICY RESPECTING THE SITUATION IN FORMOSA (TAIWAN): Statement by the President, January 5, 1950¹

The United States Government has always stood for the principles of freedom and self-determination in international relations. Traditional United States policy toward China, as exemplified in the open-door policy, called for respect for the territorial integrity of China.² This policy was recently reaffirmed in the United Nations General Assembly resolution of December 8, 1949, which, in part, calls on all states—

To refrain from (a) seeking to acquire spheres of influence or to establish controlled regimes within the territory of China; (b) seeking to obtain special rights or privileges within the territory of China.³

A specific application of the foregoing principles is the present situation with respect to Formosa. In the joint declaration of the United States and Great Britain at Cairo on December 1, 1943⁴ the President of the United States

their purpose that territories Japan had stolen from China, such as Formosa, should be restored to the Republic of China. The United States was a signatory to the Potsdam declaration of July 26, 1945, which declared that the terms of the Cairo declaration should be carried out. The provisions of this declaration were accepted by Japan at the time of its surrender.² In keeping with these declarations Formosa was surrendered to Generalissimo Chiang Kai-shek,³ and for the past 4 years, the United States and the other Allied Powers have accepted the exercise of Chinese authority over the Island.

The United States has no predatory designs on Formosa or on any other Chinese territory. The United States has no desire to obtain special rights or privileges or to establish military bases on Formosa at this time. Nor does it have any intention of utilizing its armed forces to interfere in the present situation. The United States Government will not pursue a course which will lead to involvement in the civil conflict in China.

Similarly, the United States Government will not provide military aid or advice to Chinese forces on Formosa. In the view of the United States Government, the resources on Formosa are adequate to enable them to obtain the items which they might consider necessary for the defense of the Island. The United States Government proposes to continue under existing legislative authority the present ECA program of economic assistance.

31. ELABORATION OF POLICY RESPECTING THE STATUS OF FORMOSA (TAIWAN): Remarks by the Secretary of State at a Special News Conference, January 5, 1950⁴

I am having this conference this afternoon at the request and at the direction of the President for the purpose of going into the background of the statement which he made this morning on the subject of Formosa.⁵

I should like to make a few remarks on this subject for the purpose of trying to put it in its setting for you, and then we will get down into such details as you want to get into.

Why was the statement made at this particular time? That is a question that arises in all of your minds and I want to recall to you that I have said very often in these meetings that the foreign policy of the United States is determined not merely by what the State Department says, or not even by what the President says, and not even by what the Congress says, but reflects the sum total of the activities

10 days, this subject of Formosa has become one of the foremost subjects of discussion throughout the country.

The ordinary processes of life in this town of Washington have made their contribution. We have had leak and counterleak, gossip and countergossip. We have had the contributions of distinguished statesmen in the debate. We have had a great deal of talk in the press and on the radio. Much of that is good and much of that is desirable and all of it has to go on to make the United States the democracy that it is. But we slide very easily from discussion to the statement of fact. I have here a distinguished foreign newspaper dated Friday last [December 30] which announces as a fact that President Truman has decided, et cetera, and et cetera, giving something which President Truman had not decided and had not intended to decide. Therefore what has occurred is that we have gotten a great deal of confusion in the minds of our own people. We have gotten a great deal of confusion in the minds of foreign people. We have stirred up a good deal of speculation, all of which, if allowed to continue, would be highly prejudicial to the interests of the United States of America. And therefore, it was the President's desire to clarify the situation. He was not primarily concerned in stating anything new, and you will find very little which is new in the statement. What he was interested in doing was bringing clarity out of confusion.

That, I think, gives you the background as to why it was necessary to make the statement at the present time. It would have been desirable from our point of view if the whole question of the Far East, and all of the parts of the Far East and of Formosa, which after all is a small part of the great question of the Far East, could have been discussed very fully with members of both parties on the Hill before any statement was made. But one has to choose in this life and it was more important to clarify thinking than it was to go on and have the most desirable of all possible things which is consultation.

Now, getting down to this statement, let's be clear about one or two things. There has been a great deal of amateur military strategizing indulged in in regard to this matter of Formosa. The underlying factors in the decision are not in that area. They have to do with the fundamental integrity of the United States and with maintaining in the world the belief that when the United States takes a position it sticks to that position and does not change it by reason of transitory expediency or advantage on its part. If we are going to maintain the free nations of the world as a great unit opposed to the encroachment of communism and other sorts of totalitarian aggression, the world must believe that we stand for principle and that we are honorable and decent people and that we do not act for expediency.

It is important that our position in regard to China should never be subject to the slightest doubt or the slightest question.

Now, what has that position been? In the middle of the war the President of the United States, the Prime Minister of Great Britain, and the President of China agreed at Cairo that among the areas stolen from China by Japan was Formosa and Formosa should go back to China.

As the President pointed out this morning, that statement was incorporated in the declaration at Potsdam and that declaration at Potsdam was conveyed to the Japanese as one of the terms of their surrender¹ and was accepted by them, and the surrender was made on that basis.

Shortly after that, the Island of Formosa was turned over to the Chinese in accordance with the declarations made and with the conditions of the surrender.

The Chinese have administered Formosa for 4 years. Neither the United States nor any other ally ever questioned that authority and that occupation. When Formosa was made a province of China, nobody raised any lawyers' doubts about that. That was regarded as in accordance with the commitments.

Now, in the opinion of some, the situation is changed. They believe that the forces now in control of the mainland of China, the forces which undoubtedly will soon be recognized by some other countries, are not friendly to us, and therefore they want to say "Well, we have to wait for a treaty." We did not wait for a treaty on Korea.² We did not wait for a treaty on the Kuriles.³ We did not wait for a treaty on the islands over which we have trusteeship.⁴

Whatever may be the legal situation, the United States of America, Mr. Truman said this morning, is not going to quibble on any lawyers' words about the integrity of its position. That is where we stand.

Therefore, the President says, we are not going to use our forces in connection with the present situation in Formosa. We are not going to attempt to seize the Island. We are not going to get involved militarily in any way on the Island of Formosa. So far as I know, no responsible person in the Government, no military man has ever believed that we should involve our forces in the island.

I do not believe that is new policy. It would be new policy if we decided to do that. The President is affirming what so far as I know

¹ Instrument of surrender, Sept. 2, 1945; *A Decade of American Foreign Policy*, pp. 625-626.

² General Order No. 1 provided that Soviet forces should receive the Japanese surrender north of the thirty eighth parallel and that American forces should

has been the view of his Administration, and the unique ever since I have known about it.

The President goes on to say that we do not intend to assistance or advice, that is matériel and military people, on Formosa, and he says why. He says that there are that Island which are adequate to enable those on the island whatever necessary military supplies they believe they have. That is against a background of very considerable gifts of a time when the Government on Formosa was recognized by as the Government of China and was in control of a very China.¹ We gave vast amounts of military equipment to the Government after the war up until 1948. In 1948 another Congress² was passed, and 125 million dollars of military equipment turned over.

That is not where the difficulty lies in maintaining the forces on it. It is not that they lack rifles or ammunition; they do have any deficiencies in any of those, they can get what they need. That is not the trouble. The trouble lies and it is not the function of the United States nor will the United States attempt to furnish a will to resist and a purpose for resistance who must provide for themselves.

That is the background of this statement. The President goes on to say that in regard to economic assistance which we are furnishing,³ we will furnish it for as long as the legislation Congress has passed permits us to. Whether that legislation has been extended or not, I don't wish to prejudice this afternoon's matter for discussion with the leaders, and for action by the Congress.

We have been, through the ECA, conducting programs on Formosa which has resulted in all the fertilizer necessary for the spring planting on the Island of Formosa. Others have been the purchase of machinery for refining on the Island and for running the power plant and other things on the Island. Other programs have had to do with repairing their power plants and other factories in repair and improvement. Those are going forward.

Now those are the main statements of background which we are to make. I am informed by Mr. McDermott that some people want me to say what if any significance is to be attached to the last paragraph of the statement which says, "The United States has no desire to obtain special rights or privileges or military bases on Formosa at this time." The question is what that phrase "at this time" mean. That phrase does not modify or weaken the fundamental policies stated in this

62. RECALL OF FOREIGN SERVICE PERSONNEL FROM COMMUNIST CHINA: Statement by the Department of State, January 14, 1950 (Excerpts)¹

Chinese Communist authorities in Peiping have ordered the taking over of United States Government consular property in Peiping and today have seized that property in defiance of protests by the United States Government. This seizure is in violation of long standing treaty rights granted the United States in 1901² and reaffirmed in the Sino-United States treaty of 1943 by which the United States voluntarily relinquished its extraterritorial rights in China.³

The United States Government takes an extremely serious view of this situation, which constitutes a flagrant violation of our treaty rights and of the most elementary standards of international usage and conduct.

The seizure was carried out despite our protests and our announced intention to withdraw all American official personnel from Communist China if the Chinese Communists attempted to seize our office and properties.

The Department is now preparing instructions for the recall of all American official personnel from Communist China. Arrangements for the withdrawal of our official personnel will be made as expeditiously as possible and when completed our official establishments will be closed. Any facilities for evacuation from China which are arranged for our official personnel will be made available for all American citizens who desire to depart.

This violation of American consular property has arisen in almost immediate sequence to the harsh and unjustified treatment of United States Consul General Angus Ward and his staff at Mukden.⁴ It also is one in the long series of mistreatment of Americans, which included the beating of Vice Consul Olive in Shanghai and the continued detention of Messrs. Smith and Bender, United States Navy personnel.⁵

The background of this unprecedented act by the Chinese Communists is as follows:

On January 6, the Chinese Communist military authorities at Peiping issued a proclamation which stated that "certain foreign countries in the past, utilizing the so-called 'right of stationing troops' of unequal treaties, have occupied land in the Peking municipality and constructed military barracks" and expressing their intention of recovering "this type of real property right." The proclamation

tary barracks and other installations will first be required. On January 7, the Chinese Communist military authorities sent a communication to the American Consul General at Peiping presented as an order for the requisitioning of United States Government official property at No. 22 Legation Street in Peiping. The Consul General was directed to send a messenger with the order to turn over this property, which was being used by the American Legation General for official purposes.²

The Department of State instructed the American Consul General at Peiping on January 7 to transmit to Gen. Chou En-lai a communication pointing out that the United States Government had the right to use for official purposes the land in question under the treaty signed at Peking [Peiping]³ on September 7, 1901, by the United States and eleven other powers and that this right was reaffirmed by the United States treaty of 1943, under which this Government relinquished its extraterritorial rights in China. The Consul General was further instructed to state that this land and the buildings were now being used for official purposes and that the barracks and tary barracks mentioned in the communication from the Chinese Communist military authorities had long since been converted into an office building and used as the office of the American Legation General. In conclusion, he was directed to express the United States Government's expectation that no action would be taken constituting any violation of the rights of the United States Government as set forth above.⁴

Mr. Clubb⁵ reported that he had sent the above communication to General Chou on January 9 and that the communication had been returned to him without answer or acknowledgment but with indications that it had been opened and read. He later informed the Department that he had delivered a communication on this subject to General Chou on January 10. This communication was also returned to Mr. Clubb with indications that it had been opened and read. On January 8 Mr. Clubb made a simple acknowledgment of the communication from the Chinese Communist military authorities and on January 11, in accordance with instructions from the Department, he sent a second communication to these authorities, enclosing each of his letters to General Chou. All these communications were returned to Mr. Clubb with indications that they had been opened and read.

In recognition of the limitations of time and in view of the extremely serious concern of the United States Government over the developments at Peiping, the Department, having informed the British Embassy in Washington on January 7 of this development, on January 10 requested the good offices of the British Foreign Office to transmit that the British officer-in-charge at Peiping be instructed to convey personally on behalf of the United States Government to General Chou En-lai or, in his absence, to the highest ranking Chinese Communist official available to him a statement to the following effect:

"General Chou will have by now received the communication regarding the question of requisition of the former military barracks area of the United States Government at Peiping forwarded to him by Mr. Clubb on instructions from this Government. In accordance with the provisions of Article II of the Sino-United States treaty of 1943, under which the United States Government relinquished its extraterritorial rights in China, the United States Government would have no objection to turning over to the authorities at Peiping the Glacis property ¹ to the west of the United States Government consular compounds. The United States Government would also be prepared to turn over to the authorities at Peiping for immediate occupancy the United States Government-owned building on this property and enter into discussions regarding indemnification for the building.

"Should the requisition order of the Chinese Communist military authorities be made applicable, however, to any part of the United States Government's consular compounds, the United States Government would consider such action a violation of its rights and would conclude that it had no alternative to closing all of its official establishments in Communist China and to withdrawing all of its official personnel from Communist China."²

The British Government was good enough to send appropriate instructions to its officer-in-charge at Peiping. In view of the time limitations involved and in order to ensure that the Chinese Communist authorities be aware of the views and intentions of the United States Government and not act without full realization of the inevitable results of a violation of United States rights, Mr. Clubb was authorized as a last resort, in the event that the British Government instructions to its officer-in-charge did not arrive prior to the expiration

¹ The boundary area on three sides of the diplomatic quarter, which for defense purposes had originally been cleared of buildings. This area was under the joint administration of the diplomatic quarter and its return to Chinese control was envisaged in the various treaties between China and foreign powers for the relinquishment of extraterritorial rights. [Footnote in the original press statement]

tion of the time limit, to bring directly or indirectly to of General Chou En-lai or some other Chinese Communist the views and intentions of the United States Government. Mr. Clubb did in a communication to General Chou on which was received and subsequently returned. At 3 January 13, Mr. Clubb received an oral communication from a representative of the Military Control Commission that the curfew order would be put into effect from 9:00 a. m. the following day. Immediately upon receipt of this notice, Mr. Clubb ordered this representative that if the order was carried out it was the full responsibility of those concerned and against the United States Government official protests.¹ Mr. Clubb later in the day confirmed this message by formal letter.²

At 9:50 a. m. on January 14 the premises of the Consulate were invaded by the police and four civilian officials.



63. REVIEW OF UNITED STATES POLICY IN RE CHINA (REPLIES BY THE DEPARTMENT OF STATE TO A SERIES OF QUESTIONS CONTAINED IN HOUSE RESOLU- TION 452 (81st CONGRESS, 2d SESSION): House Committee on Foreign Affairs, February 9, 1950)

The Committee on Foreign Affairs, to whom was referred House Resolution (H. Res. 452) requesting the State Department to furnish full and complete answers to certain questions relating to the foreign policy of the United States in the Far East, having considered the same, report adversely thereon and recommend that the resolution do not pass.

The recommendation of the committee is based on the answers to the questions contained in the resolution which were furnished the committee by the Department of State. While the publication of portions of two answers, the publication of which was felt by the Department of State would be incompatible with the national interest, the answers are included in this report for the information of the Members of the House, and are as follows:

Question 1

With respect to the President's statement of January 5, 1950,⁴ on the subject of Formosa—

(a) Were the views of the Secretary of Defense solicited in the formulation of the policy enunciated therein?

Comment.—Yes.

Question 1 (b)

Comment.—The views of the National Military Establishment were presented to the National Security Council in its deliberations preceding the issuance of the President's statement. These views presumably included those of the component parts of the National Military Establishment.

Question 1 (c)

Is Hainan included in the policy enunciated in said statement?

Comment.—Certain portions of the President's statement refer specifically to Formosa. Other portions apply clearly to all areas of China including Hainan. For example, the statements "The United States has no predatory designs on Formosa or on any other Chinese territory . . . the United States will not pursue a course which will lead to involvement in the civil conflict in China" are of general application. The statement "Similarly, the United States Government will not provide military aid or advice to Chinese forces on Formosa" applies to all forces under the Chinese Government high command which are located on Formosa regardless of the present deployment of those forces.

Question 1 (d)

Have the following been considered by the Executive as alternatives to the policy enunciated in said statement?

(1) *Insistence on the execution of the terms of the Cairo Declaration, which provide for the return of Formosa to the Republic of China.*

Comment.—This cannot properly be considered an alternative to the policy enunciated by the President. The President's statement of January 5, 1951 contained a reaffirmation of the Cairo Declaration on the part of the United States in respect to the disposition of Formosa. Formosa has been administered since 1945 by China, the surrender of Japanese forces on Formosa having been made to Generalissimo Chiang Kai-shek.

(2) *Consideration of Formosa as a possession of Japan to be administered by the victor powers until eventual disposition under a peace settlement with Japan.*

(3) *A plebiscite in Formosa, under the auspices of the Far Eastern Commission or a special commission of the UN, to determine whether the inhabitants desire—*

(a) to continue as a province of and the seat of government of the Republic of China; (b) to be placed under a United Nations trusteeship; or (c) to become an independent nation.

Comment.—These alternatives were considered. As has been noted under (1) above, Formosa has been administered by China since 1945, when Japanese forces on the island surrendered to Generalissimo Chiang Kai-shek. It was incorporated into China as a province. It is now the seat of the Chinese Government. The Allied Powers associated in the war against Japan have not questioned these steps. The United States Government has not questioned these steps because they were clearly in line with its commitments made at Cairo and reaffirmed at Potsdam. In other words, the Allied Powers including the United States have for the past 4 years treated Formosa as a part of China.

For the United States Government, at this date, to seek to establish a non-Chinese administration on Formosa, either through SCAP or a United Nations or FEC-sponsored plebiscite, would be almost universally interpreted in mainland China and widely interpreted throughout Asia as an attempt by this Government to separate Formosa from China in violation of its pledges and contrary to its long-standing policy of respecting the territorial integrity of China. The important point from the standpoint of our interests in Asia, including mainland China, is not the technical justifications which we might urge for taking such steps but rather the way such action on our part would be viewed by the people.

in either of the proposed alternatives. There is likewise the question of force to carry out the course of action proposed if the Chinese Government gives its consent, and to defend the island if either proposal were adopted. The United Nations, of course, has no forces and it seems clear that the island would finally rest upon the United States.

In any case the conduct of a plebiscite for the purpose of ascertaining the wishes of the inhabitants on the future disposition of Formosa is beyond the competence of the Far Eastern Commission. The Far Eastern Commission's terms of reference is "to formulate the policies, principles, and standards in conformity with which the fulfillment by Japan of its obligations under the terms of surrender may be accomplished."¹ The terms of reference also provide that the Commission shall not make recommendations with regard to military operations nor with regard to territorial adjustments."

Question 1 (e) (1)

Does the Executive have information as to alternate sources of essential commodities such as rice and iron ore to replace Formosa and Hainan as sources of commodities for Japan in the event of the capture of these islands by the Communists?

Comment.—In recent years Japan has procured only iron ore from Formosa, the amount of between 200,000 and 300,000 tons in 1948 and 1949. This amount was obtained largely from wartime stocks mined by Japan. Hainan's potential rate of current production is not large enough to make a problem of alternative sources. Formosa has exported no rice to Japan in recent years. It was formerly a source of rice for Japan but with increases in population and declines in production have been unable to export rice to Japan since the war. The major commodity exported from Formosa to Japan is sugar, and this has represented from one-fifth of total Japanese sugar imports. The Philippines and India may be adequate alternative sources of supply. It is probable that Japan can procure from these sources under balanced-trade arrangements, as it has imported from Formosa. Such arrangements would maintain the present level of Japan's trade with these countries. Formosa is also a source of quantities of salt for Japan; alternative sources are available, particularly in the Red Sea area.

The capture of these islands by the Communists would not necessarily eliminate them as sources of supply of commodities for Japan. Whether the Communists would be willing to engage in such trade upon acceptable terms is not yet predicted.

Question 1 (e) (2)

Does the Executive have information as to the factor of additional cost to Japan of commodities imported from the United States in the event of capture of Formosa and Hainan by the Chinese Communists?

Comment.—The extent to which elimination of Hainan and Formosa as sources of commodities for import into Japan would adversely affect Japan's international payments and thus create additional United States costs cannot be predicted with accuracy. Formosan sugar has been priced above the world-market price. It is probable that sugar could be obtained elsewhere under balanced trade arrangements which will not create a balance of payments problem. For example, Philippine sugar is available at or below the world-market price. Procurement of iron ore and salt from alternative sources would not present a problem of major importance. Accordingly, the capture of Formosa and Hainan by the Communists would not greatly increase Japan's international payments to the United States, if at all, of defraying the deficit in Japan's payments to the United States.

¹ See Part II of the Moscow Communiqué of Dec. 27, 1945; *A Decade of Foreign Policy*, pp. 60-62.

Question 1 (f)

Has any recent survey of the defense resources of Formosa been made by an agency of this Government?

Comment.—Information on Formosa's defense resources is received constantly from the United States reporting officers in the field and is subject to continual review and assessment by the intelligence agencies. In general, it is considered that the available material resources are adequate for the defense of Formosa provided that they can be mobilized by the Chinese Government and put to effective use by its military forces.

Question 1 (g)

For what purposes and in what amounts has assistance been rendered to Formosa under the present Economic Cooperation Administration program,¹ which, in the words of the statement, "the United States Government proposes to continue"? In this connection, what steps have been taken and what sums have been spent in (1) the \$17,000,000 capital improvement program which was contemplated for Formosa at the time of the consideration of legislation to extend the China Aid Act² in March 1949; and (2) the land-tenure reforms and similar welfare-improvement measures carried out by the Provincial government of Formosa with the advice and assistance of the Joint Commission for Rural Reconstruction?³

Comment.—United States aid from appropriated funds to Formosa under the ECA program had amounted to approximately 18.5 million dollars by December 31, 1949. This figure includes the value of all commodities delivered, en route and scheduled for shipment to Formosa as well as actual payments for services. It does not include appropriated funds used for ECA administrative expenses and for the JCRR program relating to Formosa. An accounting break-down of these expenses as between the Chinese mainland and Formosa is not available at this time. Nor does the total aid figure include expenditures from counterpart funds for local currency costs of ECA administration or the JCRR program (The latter is discussed under (g) (2) below.)

There follows a list of the commodities and services for which the 18.5 million dollars has been obligated.

	(Millions of United States dollars)
Wheat and flour	0.1
Cotton	1.6
Petroleum	5.4
Fertilizer	9.0
Miscellaneous freight	1.7
Technical services	0.7
	<hr/>
	18.5

Question 1 (g) (1)

The \$17,000,000 capital improvement program.

The item for technical assistance indicated in the above table includes the cost of preliminary engineering surveys on a variety of industrial and transportation projects of the type for which the \$17,000,000 capital improvement program was contemplated in March 1949. None of the funds thus tentatively allocated, however, have been used thus far to initiate actual procurement of equipment for such projects.

This suspension of the capital improvement aspect of the ECA program for Formosa was based on two developments which had their immediate origin in the rapid Chinese Communist advance to the Yangtze River in the spring of 1949.

the late fall of 1949. The consequences of this unplanned mass migration caused considerable confusion in the administration of the island and the strong inflationary pressures through increased demands levied on resources by the new nonproductive population.

It would have been highly impractical, to say the least, to have undertaken large-scale capital-investment projects in the face of such unstable and economic circumstances. Even if the administrative difficulties had been overcome, the immediate inflationary impact of local currency necessary for installation of imported capital equipment might well have impaired the Formosan economy. This continues to be an important question governing the rate and magnitude of United States assistance to improvement projects on Formosa.

Moreover, it was considered that, in the light of all circumstances, political and military as well as economic, the danger that Formosa might go to the mainland was such as not to warrant United States Government support for the creation of substantial new industrial and transportation facilities on the island. On the other hand, United States aid to help meet the current needs of the island was continued; technical advice was extended to improve the more effective operation of the island's capital plant; ECA supported the Joint Commission on Rural Reconstruction designed to improve agricultural productivity and bring about greater social stability among the population. The United States Government took the position, however, that United States grants for permanent additions to the island's wealth should be based on a clear showing that the Chinese Government was able to employ such aid in such a manner as to ensure (a) progress toward economic and political development and (b) the effective defense of Formosa should it be attacked. This principle applies with equal validity to present implementation of the ECA program.

Question 1 (g) (2)

Status of JCRR program in Formosa, Dec. 31, 1949

[Thousands of United States dollar equivalents of local currency]

Program category	Category allocation	Obligated projects	
		Number of projects	Amount
Agricultural improvement	567	48	
Farmers organizations	83	3	
Irrigation	900	8	
Health	601	11	
Land-tenure reform	90	4	
Audio-visual education	50	1	
Total	2,291	75	1,000

Examples of project in each category

Agricultural improvement: Projects in cooperation with the Provincial Government of Agriculture and forestry, for production of hog-cholera vaccine, and extension of improved rice seeds, repair of retting ponds for jute, construction of compost houses, and multiplication and extension of

Audio-visual education: Projects for dissemination of posters and showing of film strips on subjects connected with the other program categories.

Question 2

With respect to the current situation in China and the Far East—

(a) *What are the numbers and types of vessels and craft transferred to China under the agreement of December 8, 1947?*¹ *What balance remains to be transferred?*

Comment.—The December 8, 1947 agreement between the United States and China contained a proposed list of 138 naval vessels to be transferred to the Chinese Government. A total of 131 such vessels have been transferred under this agreement. A list of these vessels, as given in the White Paper,² page 942, follows:

PR 4	PGM 15	LCT 1143
DE 6	SC 648	LCT 1145
DE 47	SC 698	LCT 1171
PCE 867	LSM 433	LCT 1213
PCE 869	LSM 442	AOG 42
AM 257	LSM 456	AFDL 34
AM 258	LCI (L) 233	25 LCM
AM 259	LCI (L) 631	25 LCVP
LST 537	LCI (L) 417	AM 287
SM 155	LCI (L) 418	AM 216
SM 157	LCI (L) 630	YMS 339
SM 285	LCI (L) 632	PC 490
SM 457	LST 557	PC 492
SM 431	LST 755	PC 593
AM 260	LST 1030	PC 595
AM 266	LST 993	SC 704
AM 273	LST 716	SC 708
AM 276	LST 717	SC 722
AM 246	LST 1017	SC 723
AM 274	LST 1050	SC 735
AM 286	LST 1075	AOG 22
PC 1247	LCI (L) 514	AFDL (c) 36
PC 1549	LCI (L) 517	ARL 41
GM 20	AG 124	DE 102
GM 26	LCT 512	DE 103
GM 12	LCT 515	DE 104
GM 13	LCT 849	DE 112
GM 14	LCT 892	

A break-down by type of the above transfers is as follows:

Code	Type of vessel	Number	Code	Type of vessel	Number
AFDL.....	Auxiliary floating dock.....	2	LSM.....	Landing ship, medium.....	8
AG.....	Miscellaneous auxiliary tanker.	1	LST.....	Landing ship, tank.....	10
AOG.....	Tanker, small.....	2	PC.....	Patrol craft, subchaser (steel hull).	6
AM.....	Mine sweeper.....	12	PCE.....	Patrol craft, escort.....	2
ARL.....	Landing craft, repair ship.	1	PGM.....	Motor gunboat.....	6
DE.....	Destroyer escort.....	6	PR.....	River gunboat.....	1
LCI (L).....	Landing craft, infantry.....	8	SC.....	Subchaser (wooden hull).....	7
LCM.....	Landing craft, mechanized.	25	YMS.....	Mine sweeper (yard).....	1
LCT.....	Landing craft, tank.....	8		Total.....	131
LCVP.....	Landing craft, vehicle-personnel.	25			

The seven vessels not transferred were—

Code	Type of vessel	[Vessel]	Code	Type of vessel	[Vessel]
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Since the capacity of the Chinese Government to maintain and operate vessels had been taxed to the full by early transfers under the agreement, the Chinese Government requested an extension of the agreed-upon date—1948—by which time transfers of vessels in the Philippines were to have been completed. (Under terms of the agreement the Chinese had 120 days for the transfer of a vessel to effect its movement.) This Government agreed to an extension of the transfer date until September 1, 1948, for 10 of the ships in the Philippines. Two of the seven vessels not transferred, the YMS 2017 and SC 518, were either forced aground or sunk during the typhoon season. The other five were found to need reconditioning. The Chinese Navy did not relinquish itself of transfer rights on these vessels.

No further transfers of vessels pursuant to the December 8, 1947, agreement are contemplated.

Question 2 (b)

Have the Chinese Communist forces obtained, and are they obtaining, amphibious assault equipment from the Soviet Union or elsewhere?

Comment.—There have been many reports of varying degrees of reliability on this subject, many of which have appeared in the press. The Communist authorities have publicly announced that the capture of Formosa is now a major objective and it is therefore reasonable to assume that the Communists are making all possible efforts to prepare the necessary amphibious assault equipment.

Question 2 (c)

Has the United States Government made any statement with respect to the recognition of the Communist regime by the United Kingdom?

Comment.—In response to a question by a correspondent, the State Department spokesman on January 6, 1950, replied as follows:

“The American position on recognition has been previously stated.

“As has been previously announced, we have been in consultation with the British and other governments regarding this subject and each government has made its views known. The decision by a government whether to withhold or grant recognition to a new government is an exercise of a basic sovereign right and each government must make its own decision in the light of the facts as it sees it and of its own circumstances. It is the United States position that recognition of a government in no way constitutes or implies approval of that government. This is a widely held principle. The governments with which we have been in consultation all seem to have the same ultimate objective of a free and independent China free of foreign domination.”

Question 2 (d)

Has the United States Government formulated its attitude with respect to admission of the Communist regime in China to the UN?

Comment.—The United States Government has formulated its attitude on this question and that attitude may be summarized as follows:

The United States Government recognizes the National Government of China and has instructed United States representatives at the UN to vote against motions which would have the effect of depriving the National Government representatives of the seat which they are entitled to occupy in the Security Council or in other UN organs.

A motion to unseat a National Government representative or to seat a Communist representative is, in our view, a procedural matter for it relates to the internal organization of a UN organ. Under article 27 of the Charter, each

Question 2 (e)

What areas in Asia come within the scope of the Truman doctrine? ¹

Comment.—The interrelated concepts of supporting those peoples who are resisting subjugation, of assisting free peoples to work out their own destinies and of aiding, primarily through economic and financial means, in the establishment of economic and political stability, are basic to the policies of this Government with respect to Asia no less than to other parts of the world.

This has been evidenced by such actions as the Point IV proposals, aid to the recognized Government of China, economic aid to Korea, the steps taken in Japan to restore economic stability and to foster democratic institutions and ideas, and the encouragement of peaceful settlements in such areas as Indonesia, India, and Pakistan.

It is axiomatic that the application of these fundamental concepts must be adapted in the light of particular circumstances in various areas. Obviously certain programs which are effective in Europe, for example, may not necessarily be equally effective in Asia. Similarly, to consider Asia as a homogeneous entity would dangerously oversimplify a complex situation. In the formulation of its policies, this Government must take into consideration the diversities in peoples, problems, and opportunities existing not only between other areas of the world and Asia, but also within Asia itself. For example, as Secretary Acheson stated in his recent address to the Press Club, there is a "great difference between our responsibility and our opportunity in the northern part of the Pacific area and in the southern part of the Pacific area." ²

The Department is constantly studying those problems related to the foreign policy of this Government in order to determine how these basic concepts may best be applied to specific areas throughout both Asia and the rest of the world.

64. TREATY OF FRIENDSHIP, ALLIANCE, AND MUTUAL ASSISTANCE BETWEEN THE SOVIET UNION AND COMMUNIST CHINA, SIGNED AT MOSCOW, FEBRUARY 14, 1950 ³

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics and the Central People's Government of the People's Republic of China;

Filled with determination jointly to prevent, by the consolidation of friendship and cooperation between the Union of Soviet Socialist Republics and the People's Republic of China, the rebirth of Japanese imperialism and a repetition of aggression on the part of Japan or any other state which should unite in any form with Japan in acts of aggression;

Imbued with the desire to consolidate lasting peace and universal security in the Far East and throughout the world in conformity with the aims and principles of the United Nations organization;

¹ See President Truman's message to Congress, Mar. 12, 1947; *A Decade of American Foreign Policy*, pp. 1253-1257.

² Address of Jan. 12, 1950; *supra*, pp. 2310-2322.

³ *The American Journal of International Law*, vol. 44, no. 3, July 1950, pp. 84-86.

lies and the People's Republic of China meets the interests of the peoples of the Soviet Union and China.

Resolved for this purpose to conclude the present appointed as their plenipotentiary representatives:

The Presidium of the Supreme Soviet of the Union of Soviet Republics—Andrei Yanuaryevich Vyshinsky, Minister of Foreign Affairs of the Union of Soviet Socialist Republics;

The Central People's Government of the People's Republic of China—Chou En-lai, Prime Minister of the State Council and Minister of Foreign Affairs of China;

Who, after exchange of their credentials, found in good order, agreed upon the following:

Article I

Both High Contracting Parties undertake jointly to take all necessary measures at their disposal for the purpose of preventing the repetition of aggression and violation of peace on the part of or by any state which should unite with Japan, directly or indirectly, in acts of aggression. In the event of one of the High Contracting Parties being attacked by Japan or states allied with Japan, or being involved in a state of war, the other High Contracting Party will immediately render military and other assistance to the first by all means at its disposal.

The High Contracting Parties also declare their readiness to maintain a spirit of sincere cooperation to participate in all international efforts aimed at ensuring peace and security throughout the world, and to do all in their power to achieve the speediest implementation of these tasks.

Article II

Both the High Contracting Parties undertake by means of the present agreement to strive for the earliest conclusion of a peace treaty with Japan, jointly with the other Powers which were allies of the Soviet Union in the Second World War.

Article III

Both High Contracting Parties undertake not to enter into any alliance directed against the other High Contracting Party, and not to take part in any coalition or in actions or measures directed against the other High Contracting Party.

Article IV

Both High Contracting Parties will consult each other in connection with all important international problems affecting the common interests of the Soviet Union and China, being guided by the principle of the consolidation of peace and universal security.

Article V

Both the High Contracting Parties undertake, in the spirit of friendship and cooperation and in conformity with the principles of equality, mutual interests, and also mutual respect for the state sovereignty and territorial integrity and non-interference in internal affairs of the other High Contracting Party—to develop and consolidate economic and cultural ties between the Soviet Union and China, to render each other every possible economic assistance, and to carry out the necessary economic cooperation.

Article VI

The present Treaty comes into force immediately upon its ratification; the exchange of instruments of ratification will take place in Peking.¹

The present Treaty will be valid for 30 years. If neither of the High Contracting Parties gives notice one year before the expiration of this term of its desire to denounce the Treaty, it shall remain in force for another five years and will be extended in compliance with this rule.

Done in Moscow on February 14, 1950, in two copies, each in the Russian and Chinese languages, both texts having equal force.

5. IMPLICATIONS OF THE TREATY OF ALLIANCE AND RELATED AGREEMENTS BETWEEN THE SOVIET UNION AND COMMUNIST CHINA: Address by the Secretary of State March 15, 1950 (Excerpt) ²

Since I spoke in January on the Far East ³ there has been one new and clear indication of Soviet Russia's intentions in China. We see it in the published terms of the Sino-Soviet Treaty of Friendship, Alliance and Mutual Assistance of February 14, 1950, and the other agreements concluded and announced at the same time.⁴

The Soviet Union and its most ardent supporters in China may have temporary success in persuading the people of China that these agreements refute the contention of the non-Communist world that alliance with Soviet Russia holds an evil omen of imperialistic domination. These agreements promise help in the rehabilitation of

¹ Communist China ratified the treaty. Apr. 10, 1950. The treaty entered

China's war-torn and impoverished economy. They promise, in particular, assistance in the repair and development of China's railroads and industry. The Chinese people may welcome such promises and assurances. But they will not fail, in time, to see that they fall short of China's real needs and desires. And they will wonder about the points upon which the agreements remain.

Now, let us examine these assurances and promises of economic aid. First, Soviet Russia has promised to return certain Manchurian property but not the industrial equipment robbed by the Red Army in 1945. Is this aid? Is it even a belated admission of guilt for which deprived not only China but all of Asia of some 2 billion dollars' worth of productive capacity?

Second, Soviet Russia extends to China a 300 million dollars credit at an interest rate of 1 percent yearly. This works out to 60 million dollars each year. This announcement was made in 1948. It was followed by the news that the ruble was to be revalued, thus cutting down the effective aid by one-fourth if the new dollar rate should be applied to this credit. Thus, the Chinese may find Soviet Russia's credit to be no more than 45 million dollars per year. They can compare this with a grant—not a loan—of 45 million dollars voted by the American Congress to China in the year 1948.¹

China's needs are great and pressing. China today faces a problem of 40 million people suffering from hunger between now and the next harvest. Millions may die. And yet, food moves from China to the Soviet Union.

China's need for development capital runs into billions of dollars. In its issue of February 25, the *London Economist* makes the following penetrating analysis of Chinese needs and hopes and the extent to which they have been dashed by the agreements with Moscow:

... it has not been the purpose of modern-minded China to stagnate in the backwardness of a pre-industrial era; for many years they have been possessed by the dream of a rapid industrialisation whereby China would break out from its old weakness and poverty and take a place among the nations more in keeping with its vast population and considerable natural resources. There is, indeed, no sign at all of a great programme of industrialisation being carried through with Russian aid; the idea seems rather to make China's economy more "colonial" than before, so that it can provide foodstuffs and raw materials for the new industrial areas of Siberia.

The more fanatical of the Communist leaders may be content with this, but it must bring a bitter disillusionment to many

of American economic assistance which would have been forthcoming for a United China on a far larger scale and with fewer strings attached than the loan now received with so much official gratitude from Moscow. If any Chinese really thought that Peking would obtain an unconditional and unstinted bounty by turning from Washington to Moscow, the experience of Yugoslavia might have warned him that there are more kicks than halfpence in dependent association with the Soviet empire.

And, now, as to the political and territorial assurances contained in the agreements. Can the Chinese people fail to observe that whatever may be the promises for the future under the terms of the treaty and agreements recently concluded at Moscow, the U.S.S.R. has special rights in China which represent an infringement of China's sovereignty and which are held by no other foreign power. It is Soviet Russia which, despite all the tawdry pretense of the treaty terms, occupies the role of empire builder at China's expense.

These are the realities that must be faced by the Chinese people. In facing them, they can well consider what it means to brush aside an established friendship for new-found and voracious friends. Our friendship has been founded on the belief that anyone who violates the integrity of China is the enemy of China and is hostile to the interests of the United States. We have 50 years of history and a world war to prove that this belief is not a mere matter of words. This belief has been proved by deeds. We can and shall stand on the record.

We now face the prospect that the Communists may attempt to apply another familiar tactic and use China as a base for probing for other weak spots which they can move into and exploit.

As old friends, we say to the Chinese people that we fully understand that their present unhappy status within the orbit of the Soviet Union is not the result of any choice on their own part, but has been forced upon them. We understand that the Communist basis for their Government is similarly not the result of any free choice of their own. We do not intend to tell them what ideologies or form of government they should have. We do not intend to engage in any aggressive adventures against them. The American people will remain in the future, as we have been in the past, the friends of the Chinese people.

But they should understand that, whatever happens within their own country, they can only bring grave trouble on themselves and their friends, both in Asia and beyond, if they are led by their new rulers into aggressive or subversive adventures beyond their borders.

all in China may know who would be responsible if adventures might bring to pass.

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[*The Treaty of Alliance and the related agreements were reaffirmed and modified by a series of joint declarations published Oct. 12, 1954, as the outcome of a visit in Washington by U.S. military leaders, Sept. 29–Oct. 12, 1954. For the texts of these declarations and communiqués, see Documents on American Foreign Policy (New York, 1955), pp. 323–332.*]

United States Policy in the Formosa (Taiwan) Area During the Korean Hostilities, 1950–1953

66. MISSION OF THE UNITED STATES SEVENTH FLEET TO THE FORMOSA (TAIWAN) AREA: Statement by the President June 27, 1950 (Excerpt) ¹

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The attack upon Korea makes it plain beyond doubt that communism has passed beyond the use of subversion to attack independent nations and will now use armed invasion. China has defied the orders of the Security Council of the United Nations issued to preserve international peace and security. Under these circumstances, the occupation of Formosa by Communism will be a direct threat to the security of the Pacific area. The United States forces performing their lawful and necessary mission in this area.

Accordingly, I have ordered the Seventh Fleet to prevent any attack on Formosa. As a corollary of this action, I have ordered the Chinese Government on Formosa to cease all air attacks against the mainland. The Seventh Fleet will see to it that the determination of the future status of Formosa is left to the restoration of security in the Pacific, a peace settlement, or consideration by the United Nations.

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¹ Department of State *Bulletin*, July 3, 1950, p. 5. For the President's statement, see *infra*, pp. 2539–2540.

² See the U.N. Security Council Resolution of June 25, 1950, S/Res/823, 2539.

7. NEUTRALIZATION OF FORMOSA (TAIWAN) DURING THE KOREAN ACTION: Remarks by the Assistant Secretary of State for Far Eastern Affairs,¹ November 15, 1950 (Excerpt)²

. . . I should like to discuss briefly the question of Formosa. On the weekend of June 25-27, we were confronted with the fact that international communism had apparently decided to resort to formal all-out armed aggression posing some extremely difficult questions. One of them was what else do these people have in mind? Are we going to be involved in a general crisis throughout the Far East, or indeed on a world basis, or is this Korean action itself a limited action?

In order to insure that United Nations forces operating in Korea would not be heavily threatened from an important flank position and in order that in that period of crisis there would not be a sudden shift in the military position of Formosa, the President ordered the Seventh Fleet to insure the military neutralization of that island and to protect the flank of United States forces in Korea.³

Now, the question is what do we do about the future of Formosa? There are two elementary points in the American position at this point with respect to Formosa.

One is that it should be militarily neutralized while the Korean action is in progress. We do not believe that it will be tolerable to have Formosa seized and exploited militarily by those acting contrary to the policies and programs of the United Nations. Thus, military neutralization is an important element in the present situation.

The second is that whatever people think about Formosa, and people think a great many different things about Formosa, it must be settled by peaceful means. We should not allow Formosa itself to become a point around which a general war could start or that Formosa should threaten the general peace and security of the Pacific area.

Therefore, we asked that Formosa be considered by the General Assembly.⁴ We think it important that the United Nations move on to insure that Formosa be settled by peaceful means.

It would be normal for the United Nations to arrange for a Commission to take a look at it and to report back to the United Nations at a later date. Formosa is complicated in its history. It is complicated in the international commitments made with respect to it. It is complicated by the fact that there are two Chinese claimants. It is complicated by the fact that the members of the international community are seriously divided among themselves in terms of recognizing one or the other Chinese claimant or recognizing the

Thus, we hope very much that the United Nations will take this matter up and put it into the category of those questions being dealt with by peaceful means. We hope also that the other side will see fit to accept that procedure and not proceed with military action.

68. MUTUAL DEFENSE ASSISTANCE AGREEMENT BETWEEN THE UNITED STATES AND THE REPUBLIC OF CHINA FEBRUARY 9, 1951¹

*The American Chargé d'Affaires ad interim to the Chinese Republic
Foreign Affairs*

No. 13

AMERICAN
Taipei, January 1951

EXCELLENCY:

Pursuant to instructions from my Government, I have the honor to deliver the following statement:

"The Government of the United States is prepared to furnish military material to the Republic of China under the terms of P. L. 85-623, as amended,² certain military material for the defense of Taiwan against possible attack.

"This material, and any other furnished under the law referred to, is transferred on the understanding that it will be used and disposed of pursuant to the following understanding: In the event of failure to do so by the Chinese Government will be considered by the United States Government, a violation of the understanding. The United States Government considers by the United States to be cause for the cessation of deliveries (it being understood that the undertakings in the first three paragraphs below apply as well to the material referred to the Chinese Government under that law since the date of the transfer).

"1. The Chinese Government will use the material furnished for its internal security or its legitimate self-defense.

"2. The Chinese Government will take such security measures as may be agreed in each case between the United States Government and the Chinese Government in order to prevent the compromise of classified military articles, services, and information furnished by the United States Government.

"3. The Chinese Government agrees to receive the material furnished by the United States Government who will discharge the material from the control of the Chinese Government's military and

accorded adequate facilities to observe the progress of the assistance furnished, to confirm that the material furnished is being used for the purposes for which it is provided, and to carry out such other operations or arrangements as shall be mutually agreed pursuant to this agreement. Such personnel, including personnel temporarily assigned, will, in their relations with the Chinese Government, operate as a part of the United States Embassy, under the direction and control of the Chief of the United States Diplomatic Mission.

"4. The Chinese Government will not transfer, sell, or otherwise dispose of the material provided pursuant to the above undertakings, or any other equipment susceptible of military use, without regard to its source, or the time or manner of its acquisition, without first obtaining the assurance of the United States Government that such equipment or material is not required by the United States for its own use or required to support programs of military assistance undertaken by the United States.

"The United States Government would appreciate a written assurance from the Chinese Government of its acceptance of the undertakings in this note."

Accept, Excellency, the assurances of my highest consideration.

K. L. RANKIN

His Excellency
Dr. GEORGE K. C. YEH,
Minister of Foreign Affairs,
Taipei.

Translation

TAIPEH, TAIWAN
February 9, 1951

MONSIEUR LE CHARGÉ D'AFFAIRES:

I have the honor to acknowledge receipt of your note No. 13, dated January 30, 1951, which reads as follows:

[*There follows the text of the U.S. note.*]

In reply, I have the honor to signify on behalf of the Chinese Government the acceptance of the undertakings set forth in your note under reference.

Please accept, Monsieur le Chargé d'Affaires, the assurances of my high consideration.

69. AMERICAN FRIENDSHIP FOR THE PEOPLES OF CHINA:

**Address by the Assistant Secretary of State for Far Eastern Affairs,¹
May 18, 1951²**

I should like, first of all, to congratulate the China Institute on its quarter century of splendid public service and to compliment you who are responsible for this timely chance to recall the warm friendship which has marked the relations between the Chinese and American people throughout the last two centuries.

Something of what we have in mind this evening is contained in a concurrent resolution which passed the Senate on May 4 and which is now before the House of Representatives, which reads in part:³

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States reaffirm the historic and abiding friendship of the American people for all other peoples, including the peoples of the Soviet Union, and declares—

That the American people deeply regret the artificial barriers which separate them from the peoples of the Union of Soviet Socialist Republics, and which keep the Soviet peoples from learning of the desire of the American people to live in friendship with all other peoples and to work with them in advancing the ideal of human brotherhood; and

That the American people and their Government desire neither war with the Soviet Union nor the terrible consequences of such a war . . .

Despite the artificial barriers which now separate us from most of the peoples of China, we meet to reaffirm the historic and abiding friendship of the American people for the people of China.

Most of you here this evening are better qualified than I to explore the origins and elements of Chinese-American friendship. Over the centuries, this friendship has come to be taken for granted; cordial sentiments between a free China and a free America became strong and durable because they were constantly nourished by common purposes and common practical interests.

We and the Chinese, for example, have had a vital interest in the peace of the Pacific. Each of us wants security on our Pacific flank and wants to be able to look across those vast waters to find strength, independence, and good will in its great neighbor on the other side. It was inevitable that the driving force of Japanese militarism would sooner or later bring China and America together to oppose it, just as we had moved 40 years earlier to support China's independence and integrity against threats from Europe. The same issues are now posed again—and are made more difficult to deal with because foreign encroachment is now being arranged by Chinese who seem to love China less than they do their foreign masters.

¹ Dean Rusk.

² Made before the China Institute, New York; Department of State Bulletin, May 26, 1951, pp. 846-848. See also statement of May 21, 1951, by the Department of State (*ibid.*, May 28, 1951) and remarks by the Secretary of State on June 1, 1951 (*Military Situation in the Far East: Hearings Before the Committee on Armed Services and the Committee on Foreign Relations, United States Senate, Eighty-second Congress, First Session, to Conduct an Inquiry into the Military Situation in the Far East and the Facts Surrounding the Relief of General of the Army Douglas MacArthur from His Assignments in That Area*, part 3, pp. 1737-1739).

³ Resolution of June 26, 1951 (65 Stat. B69-B70; *supra*, pp. 1952-1954).

We meet here this evening to reaffirm our friendship with the Chinese people—but not merely as a routine and elegant expression of good will. For the friendship we have taken for granted for so long is now being attacked with every available weapon by those who have come to power on the mainland of China. Their sustained and violent effort to erase all evidence of this friendship bears powerful witness to the validity and strength of the bonds between our two peoples. American influence among the Chinese people is intolerable to those in power in Peiping and Moscow because they know, and quite rightly, that the idea of national and individual freedom which is at the heart of American political thought is the greatest threat to their own evil purposes.

Is the message of this meeting this evening to our friends in China prompted solely by narrowly conceived American interests? That important American interests are involved, there can be no doubt. But our historical relations with China have always reflected a high regard on our part for Chinese interests, and it is these we ask our friends in China now to consider.

The independence of China is gravely threatened. In the Communist world, there is room for only one master—a jealous and implacable master, whose price of friendship is complete submission. How many Chinese, in one community after another, are now being destroyed because they love China more than the Soviet Union? How many Chinese will remember in time the fates of Rajk, Kostov, Petkov, Clementis, and all those in other satellites who discovered that being Communist is not enough for the conspirators of the Kremlin?

The freedoms of the Chinese people are disappearing. Trial by mob, mass slaughter, banishment as forced labor to Manchuria, Siberia or Sinkiang, the arbitrary seizure of property, the destruction of loyalties within the family, the suppression of free speech—these are the facts behind the parades and celebrations and the empty promises.

The territorial integrity of China is now an ironic phrase. The movement of Soviet forces into Sinkiang, the realities of “joint exploitation” of that great province by Moscow and Peiping, the separation of Inner Mongolia from the body politic of China, and the continued inroads of Soviet power into Manchuria under the cloak of the Korean aggression mean in fact that China is losing its great northern areas to the European empire which has stretched out its greedy hands for them for at least a century.

Are our Chinese friends reflecting upon the maps of China now being published on the mainland which show Sinkiang, Inner Mongolia, Manchuria, and areas in the west and southwest as something distinct from China? Are our friends in China impressed by trade union buttons appearing on the streets of Peiping which no longer show Sinkiang and Inner Mongolia on the map of China? Have the authorities in Peiping themselves fully considered what it means for them to have Soviet troops on Chinese soil, in the light of the experience of the miserable satellites of Eastern Europe?

The peace and security of China are being sacrificed to the ambitions of the Communist conspiracy. China has been driven by foreign masters into an adventure of foreign aggression which cuts across the most fundamental national interests of the Chinese people. This action stands condemned by the great world community in which the Chinese people have always aspired to play a worthy role.

Hundreds of thousands of Chinese youths are being sacrificed in a fiery furnace, pitting their waves of human flesh against the fire power of modern weapons and without heavy equipment, adequate supply, or the most elementary medical attention. Apart from Korea, the Chinese are being pressed to aggressive action in other areas—all calculated to divert the attention and energies of China away from the encroachments of Soviet imperialism upon China itself.

I find it hard to believe that the Chinese people will acquiesce in the kind of future which their masters are now preparing for them. I find it impossible to believe that our friends in China have given up their desire to live at peace with their neighbors, to play a major role as a peaceful member of the international community of nations, to trade freely with all the world, to improve their own conditions in accordance with their own needs, aspirations and traditions, to maintain their independence as a nation, to preserve their territorial integrity, and to live out their lives in dignity and with the respect of their fellow men.

Events in China must surely challenge the concern of Chinese everywhere—in Formosa, on the mainland, and in overseas communities. There is a job to be done for China which only the Chinese can do—a job which will require sustained energy, continued sacrifice, and an abundance of the high courage with which so many Chinese have fought for so long during the struggles of the past decades. The rest of us cannot tell them exactly what is to be done or how. We cannot provide a formula to engage the unity of effort among all Chinese who love their country. But one thing we can say—as the Chinese people move to assert their freedom and to work out their destiny in accordance with their own historical purposes—they can count upon tremendous support from free peoples in other parts of the world.

It is not my purpose, in these few moments this evening, to go into specific elements of our own national policy in the present situation. But we can tell our friends in China that the United States will not acquiesce in the degradation which is being forced upon them. We do not recognize the authorities in Peiping for what they pretend to be. The Peiping regime may be a colonial Russian government—a Slavic Manchukuo on a larger scale. It is not the Government of China. It does not pass the first test. It is not Chinese.

It is not entitled to speak for China in the community of nations. It is entitled only to the fruits of its own conduct—the fruits of aggression upon which it is now willfully, openly, and senselessly embarked.

We recognize the National Government of the Republic of China, even though the territory under its control is severely restricted. We

believe it more authentically represents the views of the great body of the people of China, particularly their historic demand for independence from foreign control. That Government will continue to receive important aid and assistance from the United States. Under the circumstances, however, such aid in itself cannot be decisive to the future of China. The decision and the effort are for the Chinese people, pooling their efforts, wherever they are, in behalf of China.

If the Chinese people decide for freedom, they shall find friends among all the peoples of the earth who have known and love freedom. They shall find added strength from those who refuse to believe that China is fated to become a land of tyranny and aggression and who expect China to fulfill the promise of its great past.

70. REVISED MISSION OF THE UNITED STATES SEVENTH FLEET IN THE FORMOSA (TAIWAN) AREA: Message by the President to the Congress, February 2, 1953 (Excerpt)¹

In June 1950, following the aggressive attack on the Republic of Korea, the United States Seventh Fleet was instructed both to prevent attack upon Formosa and also to insure that Formosa should not be used as a base of operations against the Chinese Communist mainland.²

This has meant, in effect, that the United States Navy was required to serve as a defensive arm of Communist China. Regardless of the situation of 1950, since the date of that order the Chinese Communists have invaded Korea to attack the United Nations forces there. They have consistently rejected the proposals of the United Nations Command for an armistice. They recently joined with Soviet Russia in rejecting the armistice proposal sponsored in the United Nations by the Government of India.³ This proposal had been accepted by the United States and 53 other nations.

Consequently there is no longer any logic or sense in a condition that required the United States Navy to assume defensive responsibilities on behalf of the Chinese Communists. This permitted those Communists, with greater impunity, to kill our soldiers and those of our United Nations allies in Korea.

I am, therefore, issuing instructions that the Seventh Fleet no longer be employed to shield Communist China. Permit me to make this crystal clear: This order implies no aggressive intent on our part. But we certainly have no obligation to protect a nation fighting us in Korea.

¹ H. Doc. 75, 83d Cong., 1st sess. For more complete text of the President's message, see *supra*, pp. 61-65.

² Statement by the President, June 27, 1950; *supra*, doc. 66.

³ See Department of State *Bulletin*, Jan. 12, 1953, pp. 74-78.

Communist Charges of United States Aggression in the Formosa (Taiwan) Area

71. UNITED NATIONS CONSIDERATION OF THE COMMUNIST CHARGES: Statement by the Department of State, August 24, 1950¹

The United States would welcome United Nations consideration of the Formosa problem. By direction of the President, Ambassador Austin notified the Security Council at once of the action taken by the United States on June 27.² In the President's statement of that same date, it was indicated that the problem is one which might be considered by the United Nations.³

Of course, the Security Council should not be diverted from the urgent business already on its agenda, the aggression against the Republic of Korea.

72. REFUTATION OF THE COMMUNIST CHARGES: Letter From the United States Representative at the United Nations⁴ to the Secretary-General, August 25, 1950 (Excerpts)⁵

There has been circulated to members of the Security Council a paper which charges the United States with aggression against Formosa.⁶ The paper asks the Security Council to consider the question of Formosa.

The United States Government does not intend to discuss at this time this paper or the ridiculous falsehoods which it contains. It does wish to take this occasion to make a further statement about the Formosan question.

On June 27 the United States representative read at the Security Council the following statement of the President of the United States:

[There follows the text of the President's statement as printed, infra, pp. 2539-2540.]

¹ Department of State *Bulletin*, Sept. 4, 1950, p. 395.

² *Supra*, doc. 66.

³ See Ambassador Austin's statement of June 27, 1950; Department of State *Bulletin*, July 3, 1950, pp. 6-8.

⁴ Warren R. Austin.

⁵ Department of State *Bulletin*, Sept. 11, 1950, pp. 411-412.

⁶ Message of Aug. 24, 1950, from Chou En-lai, Chinese Communist Premier and Foreign Minister, to Yakov Malik, President of the Security Council; *ibid.*, Oct. 16, 1950, p. 607.

Since then, the President of the United States on July 19 made the following declaration in a message to the Congress:

[There follows a portion of the text of the President's message as printed, *infra*, pp. 2552-2560.]

These statements and the facts to which they related make perfectly clear certain fundamental points which the people of the world will have clearly in mind:

1. The United States has not encroached on the territory of China, nor has the United States taken aggressive action against China.

2. The action of the United States in regard to Formosa was taken at a time when that island was the scene of conflict with the mainland. More serious conflict was threatened by the public declaration of the Chinese Communist authorities. Such conflict would have threatened the security of the United Nations Forces operating in Korea under the mandate of the Security Council to repel the aggression on the Republic of Korea.¹ They threatened to extend the conflict through the Pacific area.

3. The action of the United States was an impartial neutralizing action addressed both to the forces on Formosa and to those on the mainland. It was an action designed to keep the peace and was, therefore, in full accord with the spirit of the Charter of the United Nations. As President Truman has solemnly declared, we have no designs on Formosa, and our action was not inspired by any desire to acquire a special position for the United States.

4. The action of the United States was expressly stated to be without prejudice to the future political settlement of the status of the island. The actual status of the island is that it is territory taken from Japan by the victory of the Allied Forces in the Pacific. Like other such territories, its legal status cannot be fixed until there is international action to determine its future. The Chinese Government was asked by the Allies to take the surrender of the Japanese forces on the island. That is the reason the Chinese are there now.

5. The United States has a record through history of friendship for the Chinese people. We still feel the friendship and know that millions of Chinese reciprocate it. We took the lead with others in the last United Nations General Assembly to secure approval of a resolution on the integrity of China.² Only the Union of the Soviet Socialist Republics and its satellites did not approve that resolution.

6. The United States would welcome United Nations consideration of the case of Formosa. We would approve full United Nations investigation here or on the spot. We believe that United Nations consideration would contribute to a peaceful, rather than a forceable solution of that problem.

7. We do not believe that the Security Council need be or will be diverted from its consideration of the aggression against the Republic

¹ See Security Council resolutions of June 25 and 27, 1950; *infra*, pp. 2538-2539 and 2540-2541.

² General Assembly Res. 291 (IV), Dec. 8, 1949; *A Decade of American Foreign Policy*, pp. 726-727.

of Korea. There was a breach of the peace in Korea. The aggressor attacked, has been condemned, and the combined forces of the United Nations are now in battle to repel the aggression. Formosa is now at peace and will remain so unless someone resorts to force. If the Security Council wishes to study the question of Formosa we shall support and assist that study. Meanwhile, the President of the Security Council should discharge the duties of his office and get on with the item on the agenda which is the Complaint of Aggression Against the Republic of Korea, and, specifically, the recognition of the right of the Korean Ambassador to take his seat and the vote on the United States resolution for the localization of the Korean conflict.

I request that this letter be circulated to members of the Security Council.

[The United Nations considered three items relating to Formosa:

(1) The Chinese Communist complaint regarding "armed invasion of Formosa", submitted August 24, 1950. On November 30, 1950, the Security Council rejected by a 9-1-1 vote a Soviet resolution which would have condemned the United States.

(2) The Soviet complaint of "aggression against China by the United States of America", submitted September 20, 1950. The First Committee of the General Assembly rejected a Soviet resolution on this subject by a vote of 49-5-3 (February 1, 1951). The General Assembly itself rejected the same resolution on February 1, 1951, by a similar margin.

(3) The question of Formosa, submitted by the United States September 20, 1950 (supra, pp. 174-175). After hearing Mr. Dulles' statement of November 15, 1950 (infra, doc. 74), the First Committee decided to postpone consideration of the question. On February 7, 1951, the First Committee adopted a British proposal to adjourn discussion sine die.

For information regarding the discussion of these items, see United States Participation in the United Nations: Report by the President to the Congress for the Year 1950 (Department of State publication 4178; 1951); ibid., 1951 (Department of State publication 4583; 1952); Annual Report of the Secretary-General on the Work of the Organization, 1 July 1950-30 June 1951 (General Assembly, Official Records, Sixth Session, Supplement No. 1; U. N. doc. A/1844); and Report of the Security Council to the General Assembly, Covering the period from 16 July 1950 to 15 July 1951 (ibid., Supplement No. 2; U. N. doc. A/1783). See also statement of Nov. 28, 1950 by Ambassador Austin regarding the Chinese Communist charges; Department of State Bulletin, Dec. 11, 1950, pp. 929-936.]

73. UNITED STATES REQUEST THAT THE "QUESTION OF FORMOSA" BE PLACED ON THE AGENDA OF THE GENERAL ASSEMBLY: Letter From the Secretary of State to the Secretary-General of the United Nations, September 21, 1950¹

In accordance with Rule 20 of the Rules of Procedure of the General Assembly,² the Delegation of the United States offers the following observations in connection with and in support of its request that the

¹ Department of State Bulletin, Oct. 16, 1950, pp. 607-608.

² See the Rules of Procedure of the General Assembly, (U. N. doc. A/520; Dec. 12, 1947).

"question of Formosa" be placed on the agenda of the Fifth Session of the General Assembly as an additional item of an important and urgent character within the meaning of Rule 15.

In the joint Declaration at Cairo of 1 December 1943,¹ the President of the United States, the British Prime Minister, and the President of China stated—

It is their purpose that . . . Manchuria, Formosa and the Pescadores shall be restored to the Republic of China. . . . The aforesaid three Great Powers, mindful of the enslavement of the people of Korea, are determined that in due course Korea shall become free and independent.

In the Potsdam Proclamation of July 1945,² defining the terms for Japanese surrender the three Allied leaders declared that the terms of the Cairo Declaration should be carried out. The provisions of this Proclamation were accepted by Japan at the time of its surrender. General Order No. 1 of the Japanese Imperial Headquarters³ issued pursuant to the terms of surrender provided for the surrender of the Japanese Forces in China (excluding Manchuria) and Formosa to Generalissimo Chiang Kai-shek. Formal transfer of Formosa to China was to await the conclusion of peace with Japan or some other appropriate formal act. For the past five years, Chinese authority has been exercised over the island.

On 25 June 1950, a breach of the peace occurred in the Pacific area in the form of an armed attack against the Republic of Korea. In the resolution adopted on that day, the Security Council took the first step toward restoring the peace.⁴ On 27 June, the President of the United States stated that the North Korean forces had—

. . . defied the orders of the Security Council of the United Nations issued to preserve international peace and security. In these circumstances, the occupation of Formosa by Communist forces would be a direct threat to the security of the Pacific area and to United States forces performing their lawful and necessary functions in that area.

Accordingly, I have ordered the Seventh Fleet to prevent any attack on Formosa. As a corollary of this action, I am calling upon the Chinese Government on Formosa to cease all air and sea operation against the mainland. The Seventh Fleet will see that this is done. The determination of the future status of Formosa must await the restoration of security in the Pacific, a peace settlement with Japan, or consideration by the United Nations. . . .⁵

The Government of the United States has made it abundantly clear that the measures it has taken with respect to Formosa were without prejudice to the long-term political status of Formosa, and that the United States has no territorial ambitions and seeks no special position or privilege with respect to Formosa. The United States believes further that the future of Formosa and of the nearly 8 million people inhabited there should be settled by peaceful means in accordance with the Charter of the United Nations.

¹ *A Decade of American Foreign Policy*, p. 22.

² *Ibid.*, pp. 49-50.

³ *The Political Reorientation of Japan, September 1945 to September 1948: Report of Government Section, Supreme Commander for Allied Powers*, vol. II, p. 442.

⁴ *Infra*, pp. 2538-2539.

⁵ See *supra*, doc. 66.

The limited question, that of charges of the Peiping Regime against the United States, as set forth in document S/1715,¹ remains before the Security Council. The United States considers that the General Assembly could make an important contribution towards carrying out the purpose and principles of the United Nations in the Pacific Area if it should study the general situation with respect to Formosa with a view to formulating appropriate recommendations.

74. POSTPONEMENT OF GENERAL ASSEMBLY CONSIDERATION OF THE "QUESTION OF FORMOSA" (TAIWAN): Statements by the United States Representative² Before the General Assembly, November 15, 1950³

I am going to suggest that we should defer and put to a later place on our agenda this item of the question of Formosa.

We put the item of the question of Formosa on the agenda because, as our Secretary of State said in his opening statement to the Assembly in general debate,

It is the belief of my Government that the problem of Formosa and the nearly 8 million people who inhabit it should not be settled by force or by unilateral action. We believe that the international community has a legitimate interest and concern in having this matter settled by peaceful means.⁴

That is basically the reason, Mr. Chairman, why we asked that this item be placed on the agenda, and we still believe that the item should stay on the agenda.

We do, however, suggest that it should not be considered at the present time.

When the Secretary of State spoke, as I indicated, in September, it seemed at that time that there was a reasonable prospect that peace and security would be reestablished in Korea speedily and satisfactorily by the action of the United Nations and its forces there. I am sorry to say that that prospect has now been, in recent days, considerably changed by the rapid and substantial increase of Chinese Communist intervention in Korea. The situation that results creates a very serious problem both for the United Nations and for my own Government.

A resolution dealing with the intervention in Korea is now pending before the Security Council and is being considered.⁵

[Later in the debate, Mr. Dulles made the following remarks responding to a Soviet statement.]⁶

If the delegate of the Soviet Union understood correctly the interpretation of what I said, I had not said that this question should be

¹ See Department of State *Bulletin*, Oct. 16, 1950, p. 607.

² John Foster Dulles.

³ Department of State *Bulletin*, Dec. 4, 1950, p. 911.

⁴ Statement of Sept. 20, 1950; *supra*, pp. 169-179.

⁵ Draft resolution of Nov. 10, 1950; *infra*, pp. 2583-2584.

⁶ Note in Department of State *Bulletin*.

postponed until there could be an arrival here of the representatives of the Chinese so-called government.

I am quite sure, Mr. Chairman, that the interpreters could not fall to such a grievous error. I am quite sure that what Mr. Malik says he thinks I said is a case of the wish perhaps being followed by thought. It is not a case of error by the interpreters.

I never suggested in any degree whatsoever that the motivation for proposal for adjournment was to allow the Chinese Communists to get here. Quite the contrary, the one reason I hesitated to urge the adjournment was that it might be interpreted, as it has been misinterpreted—I am afraid—deliberately by the honorable delegate of the Soviet Union.

What I did say was that, in the light of the conduct of this so-called government, things we can't shut our eyes to—the intervention in North Korea, the invasion of Tibet, the great aid to Ho Chi-minh in Indochina, and the threats of invasion of Formosa—we face the situation, Mr. Chairman, of the risk, at least, that that whole area may be engulfed in aggressive war.

If that is going to happen, then a discussion here of the long-range future of Formosa would be somewhat academic.

The primary task of the Security Council is to do everything it possibly can to be sure that that great disaster does not occur, and the only reason, Mr. Chairman, why I suggested the postponement of the discussion here was lest by misventure, in the course of our debate here, we might say something about this delicate problem which might make more difficult the already difficult enough task of the Security Council.

Attempts To Effect a Cease-Fire in the Formosa (Taiwan) Area, 1954-1955

For texts of the Mutual Defense Treaty and exchange of notes between the United States and the Republic of China on Formosa (Taiwan), pp. 2 and 10, 1954, see supra, pp. 945-949.]

RELATION OF THE TACHEN ISLANDS TO THE DEFENSE OF FORMOSA (TAIWAN): Transcript of a News Conference of the Secretary of State, January 18, 1955 (Excerpt) ¹

Secretary Dulles was asked if he had any reports on the attempt of the Chinese Communists to take one of the offshore islands from the nationalists. Secretary Dulles made the following reply:

I have had some reports about the fighting, which is rather severe

Department of State Bulletin, Jan. 31, 1955, pp. 191-192.

apparently around the island of I-chiang, an island which lies, I believe, about 8 miles to the north of the Tachen Islands.

Asked how important the Tachen Islands are to us, the Secretary replied:

I would not say that the Tachen Islands are in any sense essential to the defense of Formosa and the Pescadores, which we do regard as vital to us.

Asked whether they are useful in the defense of those places, Mr. Dulles replied:

Well, that would call for a military judgment rather than one I would want to try to express as a civilian. There is, I believe, on the island a radar point which is perhaps of some utility in picking up possible air attack against Formosa. It lies about 200 miles north of Formosa. But whether the Tachen radar could pick it up and get word to Formosa in advance of the detection of it by radar actually on Formosa I wouldn't know.

Asked whether it had any value to the United States position on Okinawa, the Secretary replied:

No.

Asked whether he was talking about the island that is currently under attack and whether it is considered one of the Tachen group or not, Secretary Dulles replied:

No, it is not one of the Tachen group. It is part of a group of islands most of which actually passed from Nationalist to Communist hands last May. There is a little group of four or five islands there, and most of them were taken over by the Communists about last May. The loss didn't attract any particular attention at that time. Since then, public opinion has been focused more on these little off-shore islands than was the case last May. But the island itself (I-chiang) is without any particular importance. It is subject to artillery fire from some of these islands that were taken over last May, and it was not held by any regular forces of the Republic of China.

Asked whether it was correct to say that the Tachen Islands were not essential to the defense of Formosa and the Pescadores, the Secretary replied:

I didn't put it as flatly as that. I put it that that was a matter of military judgment. My own information is that the only relation that it has to the defense of Formosa and the Pescadores is that there is a radar station on the island, and whether or not that radar station can usefully pick up a possible air attack against Formosa and relay knowledge of that to Formosa before that air attack could be detected by the radar on Formosa itself, that is something that I do not have

any precise knowledge of. I would say the relationship to the defense of Formosa was at the best marginal.

76. EMPLOYMENT OF UNITED STATES ARMED FORCES IN DEFENSE OF THE FORMOSA (TAIWAN) AREA: Message by the President to the Congress, January 24, 1955¹

To the Congress of the United States:

The most important objective of our Nation's foreign policy is to safeguard the security of the United States by establishing and preserving a just and honorable peace. In the Western Pacific a situation is developing in the Formosa Straits that seriously imperils the peace and our security.

Since the end of Japanese hostilities in 1945, Formosa and the Pescadores have been in the friendly hands of our loyal ally, the Republic of China. We have recognized that it was important that these islands should remain in friendly hands. In unfriendly hands, Formosa and the Pescadores would seriously dislocate the existing, even if unstable, balance of moral, economic, and military forces upon which the peace of the Pacific depends. It would create a breach in the island chain of the Western Pacific that constitutes, for the United States and other free nations, the geographical backbone of their security structure in that ocean. In addition, this breach would interrupt north-south communications between other important elements of that barrier, and damage the economic life of countries friendly to us.

The United States and the friendly Government of the Republic of China, and indeed all the free nations, have a common interest that Formosa and the Pescadores should not fall into the control of aggressive Communist forces.

Influenced by such considerations, our Government was prompt, when the Communists committed armed aggression in Korea in June 1950, to direct our Seventh Fleet to defend Formosa from possible invasion from the Communist mainland.²

These considerations are still valid. The Seventh Fleet continues under Presidential directive to carry out that defensive mission.³ We also provide military and economic support to the Chinese Nationalist Government and we cooperate in every proper and feasible way with that Government in order to promote its security and stability. All of these military and related activities will be continued.

In addition, there was signed last December a Mutual Defense Treaty between this Government and the Republic of China, covering

¹ H. Doc. No. 76, 84th Cong., 1st sess. See also resolution of Jan. 29, 1955; *infra*.

² See President Truman's statement of June 27, 1950; *supra*, doc. 66.

³ See President Eisenhower's message to Congress, Feb. 2, 1953; *supra*, pp. 61-65.

Formosa and the neighboring Pescadores.¹ It is a treaty of purely defensive character. That treaty is now before the Senate of the United States.

Meanwhile Communist China has pursued a series of provocative political and military actions, establishing a pattern of aggressive purpose. That purpose, they proclaim, is the conquest of Formosa.

In September 1954 the Chinese Communists opened up heavy artillery fire upon Quemoy Island, one of the natural approaches to Formosa, which had for several years been under the uncontested control of the Republic of China. Then came air attacks of mounting intensity against other free China islands, notably those in the vicinity of the Tachen group to the north of Formosa. One small island (Ichiang) was seized last week by air and amphibious operations after a gallant few fought bravely for days against overwhelming odds. There have been recent heavy air attacks and artillery fire against the main Tachen Islands themselves.

The Chinese Communists themselves assert that these attacks are a prelude to the conquest of Formosa. For example, after the fall of Ichiang, the Peiping radio said that it showed a—

determined will to fight for the liberation of Taiwan [Formosa]. Our people will use all their strength to fulfill that task.

Clearly, this existing and developing situation poses a serious danger to the security of our country and of the entire Pacific area and indeed to the peace of the world. We believe that the situation is one for appropriate action of the United Nations under its charter, for the purpose of ending the present hostilities in that area. We would welcome assumption of such jurisdiction by that body.

Meanwhile, the situation has become sufficiently critical to impel me, without awaiting action by the United Nations, to ask the Congress to participate now, by specific resolution, in measures designed to improve the prospects for peace. These measures would contemplate the use of the Armed Forces of the United States if necessary to assure the security of Formosa and the Pescadores.

The actions that the United States must be ready to undertake are of various kinds. For example, we must be ready to assist the Republic of China to redeploy and consolidate its forces if it should so desire. Some of these forces are scattered throughout the smaller offshore islands as a result of historical rather than military reasons directly related to defending Formosa. Because of the air situation in the area, withdrawals for the purpose of redeployment of Chinese Nationalist forces would be impractical without assistance of the Armed Forces of the United States.

Moreover, we must be alert to any concentration or employment of Chinese Communist forces obviously undertaken to facilitate attack upon Formosa, and be prepared to take appropriate military action.

I do not suggest that the United States enlarge its defensive obligations beyond Formosa and the Pescadores as provided by the treaty

¹ Treaty of Dec. 2, 1954; *supra*, pp. 945-947.

now awaiting ratification. But, unhappily, the danger of armed attack directed against that area compels us to take into account closely related localities and actions which, under current conditions, might determine the failure or the success of such an attack. The authority that may be accorded by the Congress would be used only in situations which are recognizable as parts of, or definite preliminaries to, an attack against the main positions of Formosa and the Pescadores.

Authority for some of the actions which might be required would be inherent in the authority of the Commander in Chief. Until Congress can act I would not hesitate, so far as my constitutional powers extend, to take whatever emergency action might be forced upon us in order to protect the rights and security of the United States.

However, a suitable congressional resolution would clearly and publicly establish the authority of the President as Commander in Chief to employ the Armed Forces of this Nation promptly and effectively for the purposes indicated if in his judgment it became necessary. It would make clear the unified and serious intentions of our Government, our Congress, and our people. Thus it will reduce the possibility that the Chinese Communists, misjudging our firm purpose and national unity, might be disposed to challenge the position of the United States, and precipitate a major crisis which even they would neither anticipate nor desire.

In the interest of peace, therefore, the United States must remove any doubt regarding our readiness to fight, if necessary, to preserve the vital stake of the free world in a free Formosa, and to engage in whatever operations may be required to carry out that purpose.

To make this plain requires not only Presidential action but also congressional action. In a situation such as now confronts us, and under modern conditions of warfare, it would not be prudent to await the emergency before coming to the Congress. Then it might be too late. Already the warning signals are flying.

I believe that the threatening aspects of the present situation, if resolutely faced, may be temporary in character. Consequently, I recommend that the resolution expire as soon as the President is able to report to the Congress that the peace and security of the area are reasonably assured by international conditions, resulting from United Nations action or otherwise.

Again I say that we would welcome action by the United Nations which might, in fact, bring an end to the active hostilities in the area. This critical situation has been created by the choice of the Chinese Communists, not by us. Their offensive military intent has been flaunted to the whole world by words and by deeds. Just as they created the situation, so they can end it if they so choose.

What we are now seeking is primarily to clarify present policy and to unite in its application. We are not establishing a new policy. Consequently, my recommendations do not call for an increase in the Armed Forces of the United States or any acceleration in military procurement or levels of defense production. If any unforeseen emergency arises requiring any change, I will communicate with the Congress. I hope, however, that the effect of an appropriate con-

gressional resolution will be to calm the situation rather than to create further conflict.

One final point: The action I request is, of course, no substitute for the treaty with the Republic of China which we have signed and which I have transmitted to the Senate. Indeed, present circumstances make it more than ever important that this basic agreement should be promptly brought into force, as a solemn evidence of our determination to stand fast in the agreed treaty area and to thwart all attacks directed against it. If delay should make us appear indecisive in this basic respect, the pressures and dangers would surely mount.

Our purpose is peace. That cause will be served if, with your help, we demonstrate our unity and our determination. In all that we do we shall remain faithful to our obligations as a member of the United Nations to be ready to settle our international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

For the reasons outlined in this message, I respectfully request that the Congress take appropriate action to carry out the recommendations contained herein.

77. CONGRESSIONAL AUTHORIZATION FOR THE PRESIDENT TO EMPLOY THE ARMED FORCES OF THE UNITED STATES TO PROTECT FORMOSA, THE PESCADORES, AND RELATED POSITIONS AND TERRITORIES OF THAT AREA: House Joint Resolution 159 (84th Congress, 1st Session), January 29, 1955¹

Whereas the primary purpose of the United States, in its relations with all other nations, is to develop and sustain a just and enduring peace for all; and

Whereas certain territories in the West Pacific under the jurisdiction of the Republic of China are now under armed attack, and threats and declarations have been and are being made by the Chinese Communists that such armed attack is in aid of and in preparation for armed attack on Formosa and the Pescadores,

Whereas such armed attack if continued would gravely endanger the peace and security of the West Pacific Area and particularly of Formosa and the Pescadores; and

Whereas the secure possession by friendly governments of the Western Pacific Island chain, of which Formosa is a part, is essential to the vital interests of the United States and all friendly nations in or bordering upon the Pacific Ocean; and

¹ 69 Stat. 7. See also White House statement of Jan. 27, 1955 (Department of State *Bulletin*, Feb. 7, 1955, pp. 213-214) and President Eisenhower's statement of Jan. 29, 1955 (*ibid.*, p. 214).

whereas the President of the United States on January 6, 1955,¹ submitted to the Senate for its advice and consent to ratification a Mutual Defense Treaty between the United States of America and the Republic of China,² which recognizes that an armed attack in the West Pacific area directed against territories, therein described, in the region of Formosa and the Pescadores, would be dangerous to the peace and safety of the parties to the treaty: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and provision of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores.

This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, and shall so report to the Congress.

SECURITY COUNCIL CONSIDERATION OF THE QUESTION OF HOSTILITIES IN THE FORMOSA (TAIWAN) AREA: Remarks by the United States Representative³ Before the Security Council, January 31, 1955⁴

In the few remarks which I shall make I shall first refer to the item proposed by New Zealand⁵ and then to the item proposed by the Soviet Union.⁶

The United States favors inscribing the item proposed by New Zealand. We agree that the hostilities in the area of the Chinese offshore islands have produced a situation which endangers the maintenance of international peace and security. The present menacing situation results directly from intensified Chinese Communist military pressures against the offshore islands which began on September 3, 1954, when the Chinese Communists without warning initiated a heavy and long continued artillery barrage against Quemoy. Chinese Communist land, sea, and air assaults against the offshore islands from the Tachens to Quemoy have continued intermittently since that date. Only recently, the Chinese Communists attacked

3. Exec. A, 84th Cong., 1st sess.

Supra, pp. 945-947.

Henry Cabot Lodge, Jr.

Department of State *Bulletin*, Feb. 14, 1955, pp. 252-253.

See letter of Jan. 28, 1955, from the New Zealand representative; *ibid.*, p. 253.

See letter of Jan. 30, 1955, from the Soviet representative; *ibid.*, pp. 253-254.

and overran the island of I-chiang, which up to then was under continuous control of the Government of the Republic of China.

The forces of the Government of the Republic of China have limited their response to these attacks to operations of a purely defensive character in the immediate vicinity designed to reduce the capacity of the Chinese Communists to continue the attacks.

The danger to the peace which exists as a result of this situation can only be removed through the cessation of hostilities.

The United States Government believes that recourse to the Security Council is desirable and therefore endorses the initiative commendably taken by the New Zealand representative in this matter.

Now, Mr. President, let me say a word about the Soviet item. The Soviet Union tells *us* not to interfere, if you please, in the internal affairs of another country. That is the phrase. Here it is—you can read it for yourself—from the letter signed by the Soviet representative, “the intervention of the United States of America in the internal affairs of China,” etc.

Now, Mr. President, when I hear the Soviet Union telling others not to interfere in the internal affairs of another country, I really feel that I can honestly say that I have heard everything!

Here is this Soviet regime which always interferes to the maximum extent possible in the internal affairs of all countries, which has interfered and is interfering with deadly effect and to the fullest extent of its power in the internal affairs of China—here is this regime in a tone of unction, if you please, making a charge of interference against the United States.

Now, Mr. President, it is not necessary for me to say that the United States has never interfered in the internal affairs of China and that the entire letter of the Soviet representative and the Soviet Union item is a preposterous cold war fraud.

As a matter of fact, the Soviet statement this morning committed a whole series of flagrant inaccuracies, a few of which I shall briefly correct as follows:

The message of President Eisenhower to Congress¹ does not threaten the Chinese Communists with war. There is not one aggressive syllable in it. It is purely defensive. It reflects the true views of Dwight Eisenhower, our President, who is known to his countrymen and is known all over the world as a man of peace, as a man who knows the horrors of war and who is deeply dedicated to peace.

Then the resolution passed by Congress,² and passed by almost unanimous vote, is also purely defensive. It is aimed entirely at preventing aggression.

The Mutual Security Treaty³ to which reference was made is entirely defensive. It has no aggressive or offensive potentialities whatsoever. What is aggressive in the modern world, Mr. President, is communism. There is the real aggressor. The Soviet representative

¹ Message of Jan. 24, 1955; *supra*, doc. 76.

² Resolution of Jan. 29, 1955; *supra*.

³ *Supra*, pp. 945-947.

knows full well that the international Communistic organization which his Government controls continues its attempts to dominate the world. He must know that if the Soviet Union were to give up its support of the international Communist movement, the greatest obstacles to organizing peace would disappear.

The Soviet representative's utterances this morning let the cat out of the bag. I say this because the Soviet Union's actions today leave no room for doubt that international communism would certainly like to take over Formosa or any other place on this earth if it could.

Now, Mr. President, in accordance with our custom, we will not oppose putting the Soviet complaint on the agenda, specious though it is. We are not afraid of a discussion. In fact, we welcome it. And we are satisfied that after we have told our story all but the hard-core professional Communists will applaud what we have done.

Our whole effort—the whole effort of the United States Government—is for peace. The world knows that we agreed to a truce in Korea,¹ to a settlement in Viet-Nam;² the world also knows, as Sir Anthony Eden once pointed out, that no one has ever been enslaved by the United States.

What the Soviet Union proposes is the standard Communist line. I doubt if many persons really believe it, least of all those who utter it and write it. I hope I will be proved wrong, but I very much fear that this latest Communist move is merely a rather obvious smoke-screen to conceal the Communist refusal to agree to a cessation of hostilities.

If the Communists really are opposed to war and violence, as their statement affirms, they can easily demonstrate it by joining the peace-loving nations of the world in supporting a cessation of hostilities. That is why we of the free world are here today.

[Following discussion of the question by the Security Council, Ambassador Lodge continued:]

The United States agrees that the Security Council should invite the Chinese Communist regime to send a representative to be present at the Council's discussion of the New Zealand item. We believe that in any effort to end an armed conflict to which the Chinese Communist regime is a party, it is useful for this regime to be present. This was our attitude in 1953 concerning the Korean Political Conference.³ It is also the case here and now.

Our support for this motion has no bearing whatever on the question of our opposition to the representation of China by the Chinese Communists in the United Nations or in any body thereof. Nor does our support for this motion imply any change in our established attitude against recognition of the Chinese Communist regime.

¹ Armistice agreement of July 27, 1953; *supra*, pp. 724-750.

² Cease-fire agreement of July 20, 1954; *supra*, pp. 750-767.

³ See *infra*, pp. 2676-2684.

**79. INVITATION TO THE "PEOPLES REPUBLIC OF CHINA"
TO SEND A REPRESENTATIVE TO THE SECURITY COUNCIL
DISCUSSION OF THE FORMOSA (TAIWAN) QUESTION:
Cablegram From the Secretary-General of the United Nations to
the Chinese Communist Premier,¹ January 31, 1955²**

I HAVE THE HONOUR TO TRANSMIT TO YOU THE FOLLOWING INFORMATION:

THE SECURITY COUNCIL AT ITS 690TH MEETING ON 31 JANUARY 1955 DECIDED TO INCLUDE THE FOLLOWING ITEMS IN ITS AGENDA:

"1. LETTER FROM THE REPRESENTATIVE OF NEW ZEALAND DATED 28 JANUARY 1955 TO THE PRESIDENT OF THE SECURITY COUNCIL CONCERNING THE QUESTION OF HOSTILITIES IN THE AREA OF CERTAIN ISLANDS OFF THE COAST OF THE MAINLAND OF CHINA (S/3354).³

"2. LETTER DATED 30 JANUARY 1955 FROM THE REPRESENTATIVE OF THE UNION OF SOVIET SOCIALIST REPUBLICS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL CONCERNING THE QUESTION OF ACTS OF AGGRESSION BY THE UNITED STATES OF AMERICA AGAINST THE PEOPLES REPUBLIC OF CHINA IN THE AREA OF TAIWAN AND OTHER ISLANDS OF CHINA (S/3355)."⁴

IN APPROVING ITS AGENDA THE COUNCIL DECIDED THAT IT WOULD COMPLETE CONSIDERATION OF THE FIRST ITEM BEFORE PROCEEDING TO DISCUSS THE SECOND.

IT FURTHER DECIDED TO EXTEND AN INVITATION TO THE CENTRAL PEOPLES GOVERNMENT OF THE PEOPLES REPUBLIC OF CHINA TO SEND A REPRESENTATIVE TO BE PRESENT IN THE COUNCIL DURING THE DISCUSSION OF THE FIRST ITEM AND TO PARTICIPATE IN THE DEBATE IN ORDER TO PRESENT THE VIEWS OF YOUR GOVERNMENT.

**80. UNITED STATES ASSISTANCE TO THE REPUBLIC OF
CHINA IN THE EVACUATION OF THE TACHEN ISLANDS:
Statement by the Department of State, February 5, 1955⁵**

The Government of the Republic of China has informed the U.S. Government that it will redeploy its military forces from the Tachens, a group of small islands 200 miles north of Formosa, to other positions. It has requested the aid of U.S. forces in protecting and assisting the redeployment of these military forces and the evacuation of such civilians as desire to leave those islands. The U.S. Government has

¹ Chou En-lai.

² U.N. doc. S/3358, Feb. 4, 1955. See also Chou's reply, dated Feb. 3, 1955; Department of State *Bulletin*, Feb. 14, 1955, pp. 254-255.

³ *Ibid.*, p. 253.

⁴ *Ibid.*, pp. 253-254.

⁵ *Ibid.*, p. 255. See also statement of Feb. 11, 1955, by the Department of State (*ibid.*, Feb. 21, 1955, p. 290) and statement of Feb. 18, 1955, by the White House (*ibid.*, Feb. 28, 1955, pp. 332-333).

given orders to the Seventh Fleet and other U.S. forces to assist in this operation.

The U.S. Government has further advised the Chinese Government that with the object of securing and protecting Formosa, in conformance with the congressional resolution approved January 29, 1955,¹ the U.S. Government will extend assistance to the Republic of China in defending such related positions and territories now in its hands as the United States deems to be essential to the defense of Formosa and the Pescadores.

It is hoped that these steps will contribute to a cessation of Communist attacks and to the restoration of peace and security in the West Pacific.

1. CONDITIONS FOR UNITED STATES DEFENSE OF QUEMOY AND THE MATSU ISLANDS: Transcript of a News Conference of the Secretary of State, March 15, 1955 (Excerpt)²

At his news conference on March 15, Secretary Dulles was asked a series of questions relating to United States defense commitments in the Far East and Southeast Asia and its plans for implementing these arrangements. He was asked at the outset whether the United States would commit American forces to specific points in the area. Secretary Dulles made the following reply:

No, there has been no change in the basic U.S. policy which I announced first at Manila³ and repeated at Bangkok.⁴ That is that we believe that our most effective contribution to the defense of the entire area is by a strategic force with a high degree of striking power by sea and by air. That power is available to be used wherever the occasion arises. U.S. policy is not to split that power up into fragments of which one part is irrevocably committed, let us say, to Korea, and another part irrevocably committed to Japan, and another part irrevocably committed to the Ryukyus, and another part irrevocably committed to Formosa, and another part irrevocably committed to the Philippines, and another part irrevocably committed to various parts of Southeast Asia.

If you are going to divide our strength up, and irrevocably commit parts of it to each one of the areas which are in danger and which we are committed to help to defend, you may not have enough at the area which is attacked. We don't know where the attack is coming, and a commitment which would deprive us of the right to use our full power wherever the need arose would not, in my opinion, be in the interests of anybody involved.

¹ Resolution of Jan. 29, 1955; *supra*, doc. 77.

² Department of State *Bulletin*, Mar. 28, 1955, pp. 526-527.

³ Statement of Sept. 6, 1954; *supra*, pp. 917-919.

⁴ Statement of Feb. 25, 1955; Department of State *Bulletin*, Mar. 7, 1955, pp. 374-375.

Asked how this related to the possible defense of the Islands of Quemoy and Matsu, the Secretary replied:

The situation there is inherently speculative because it depends upon the intentions and purpose of the Chinese Communists. The treaty that we have with the Republic of China excludes Quemoy and Matsu from the treaty area. That was done with much thought and deliberation. Therefore, the treaty does not commit the United States to defend anything except Formosa and the Pescadores, and to deal with attacks against that treaty area.

Public Law 4,¹ which authorizes the President to use the armed forces of the United States in relation to the defense of Formosa and the Pescadores, also allows the President to use those armed forces in relation to related areas if in the opinion of the President that is necessary or appropriate for the defense of Formosa and the Pescadores.

Therefore, the issue is, would an attack on Quemoy, Matsu, perhaps elsewhere, be part of an attack against Formosa and the Pescadores? If so, then both under the treaty and under the law the President would presumably react with U.S. force. If the President judges that the attack is not related to an attack on Formosa and the Pescadores, then neither the treaty nor the law gives him authority to act.

Up to the present time the Chinese Communists have indicated that their operations in the Formosa Straits are designed against Formosa and the Pescadores. When islands such as the Tachens were taken over, they did not say, "We have now regained some islands"; they said, "We have now gained a better position from which to attack Formosa." So that as the situation now stands, on the basis of the record made by the Chinese Communists, it would seem that their operations are designed against Formosa and the Pescadores.

Because of that fact, when I was in Taipei for our consultations there,² and there were also military consultations, account was taken of the fact that it might in the future be judged by the President that the defense of Quemoy and the Matsu Islands was called for because of the intention of the Chinese Communists to make their operations an attack against Formosa. On the other hand, I don't know whether an attack will come; I don't know when it will come, it may be next week, it may be next year, it may be never. I cannot foresee or attempt to judge for myself, much less on behalf of the President, what the circumstances may be. Therefore, it is inevitable that the situation should be in some ambiguity, because, as I say, these areas are outside of the treaty area and the question of the U.S. use of force for their defense depends upon the circumstances under which an attack upon them occurs.

Secretary Dulles was asked about the statement of the British Foreign Secretary that the British were seeking to get a renunciation of force by

¹ Resolution of Jan. 29, 1955; *supra*, doc. 77.

² The Secretary visited Taipei, Mar. 3, 1955, for the purpose of exchanging instruments of ratification of the Mutual Defense Treaty with China.

both the Chinese Communists and the Chinese Nationalists. Is that in agreement with our position and did you discuss that with Mr. Eden, the Secretary was asked. He replied:

I made clear, as I think the President has repeatedly made clear, that we do not believe in or desire the solution to these problems to be worked out through the use of force, and that a cease-fire, which would end the actual hostilities in this area, would be welcomed by the United States. So far, there has been no evidence whatever that the Chinese Communists would accept a cease-fire, and, as you recall, they rejected an invitation to come to the United Nations Security Council to discuss that matter.¹

Asked whether the renunciation of the use of force without a renunciation of a claim, as Mr. Eden suggests, would be considered the equivalent of a cease-fire by this Government, the Secretary replied:

Well, if there were a renunciation of the use of force, that would meet the immediate requirements of the situation and there would be no necessity that I can see for anybody, either on the Republic of China's side or the Communists' side, to renounce what they might call their legal pretensions, their legal claims.

Asked what the United States position would be if an attack on Quemoy and Matsu were accompanied by renunciation of the use of force against Formosa, Secretary Dulles replied:

Well, it would depend a good bit on whether we accepted that renunciation at face value, or whether we judged it as merely a trick or a device. If in fact the President judged that there was no attack against Formosa and the Pescadores, then it would be questionable whether the treaty and the law gave authority to use the armed forces of the United States. But, as I say, we have learned before now that the Communists' protestations are not necessarily to be taken at face value.

2. DEFENSE OF THE FORMOSA (TAIWAN) AREA: Transcript of a News Conference of the Secretary of State, April 5, 1955 (Excerpt)²

At his news conference on April 5, Secretary Dulles was asked about the prospects of war or peace in the Formosa area. Secretary Dulles made the following reply:

To answer that question would require me to read the minds of people to whom I have no access; that is, the Communist leaders in Peiping. We have made perfectly clear our desire that there

¹ See cablegram of Jan. 31, 1955, from Secretary-General Hammarskjöld to Chou En-lai (*supra*, doc. 79) and Chou's reply, dated Feb. 3, 1955 (Department State Bulletin, Feb. 14, 1955, pp. 254-255).

² *Ibid.*, Apr. 18, 1955, pp. 643-644.

shall be no war, our desire that there shall be a cease-fire. So, if there is any war, it will be entirely due to the provocation and initiative of those who unfortunately may not be subject to the pacific purpose which they proclaim. If, in fact, the Chinese Communists are faithful to what they talk about—peace—then there will be no fighting in the area.

Asked whether the release of the Chinese students on April 2¹ was intended as an indication of our preference for peace rather than war, the Secretary replied:

In a broad sense you can say that it was indicative of our desire to keep our relations with the Chinese Communists on, you might call, a civilized, peaceful basis. We did not desire to be in a position of holding any persons as hostages, and in fact they have never been so held. We have pushed ahead to complete the process of clearances, including the necessary legal steps which have to be taken, I believe, by the Department of Justice. As soon as those were completed, we announced these people were free to go.

In the same way, we recently turned back at Hong Kong seven Communist fishermen that had been picked up in a storm and rescued. In some quarters the suggestion had been made that we should hold them as a barter. We do not believe in bartering human beings, and we hope that our conduct and example in that regard might possibly have some influence in Communist China.

Asked whether this was done at the suggestion or request of Mr. Hammarskjold, Mr. Dulles replied:

No. Mr. Hammarskjold is dealing only with the prisoners of war who were in the United Nations Command, and he has not concerned himself particularly about the civilian situation. As far as I am aware, Mr. Hammarskjold was not informed about the steps we were taking to release these civilians. He was informed of the steps which we took to release the seven fishermen that I referred to. That took place some weeks ago.

Asked whether any new steps had been taken or if any were in prospect to find a common allied position with regard to Formosa either through diplomatic channels or through the United Nations, Secretary Dulles replied:

We are in close contact with the nations having an interest in that part of the world, and we have frequent discussions with their representatives. There is a very active exchange of advice steadily going on with reference to this situation. We all realize it is a highly dangerous situation, and we want to eliminate to the maximum degree possible the dangerous elements there. Whether we shall succeed or not, as I said before, depends very largely upon whether the Chinese Communists are willing to have an abandonment of force.

¹ See statement of Apr. 2, 1955, by the Department of State; *infra*, doc. 91.

Asked to comment on the fact that the Canadians have stated publicly that they would not back us if war comes out of Quemoy and Matsu and whether that represented a divided allied position, the Secretary replied:

No. On the contrary, as a result of my trip up there there is a much closer understanding between our two Governments than had existed before. We have never expected that if there were a war in the Formosa area the Canadian Government would be a participant in that war. They have no treaty arrangements of any kind which relate to that part of the world, and that kind of support has never been anticipated. I think there is now an understanding of the problem and that our relations in that respect are much better than they have been before.

Asked whether he believed that the overall world position of the United States would necessarily be weakened or might in fact be strengthened if the United States were to base its commitments in the Formosa area exclusively upon Formosa and the Pescadores, the Secretary replied:

I have said many times, and I am glad to have a chance to say again, something which I can repeat by heart: The only commitment of the United States in that area is based exclusively on Formosa and the Pescadores.

We have a treaty which confines the treaty area to Formosa and the Pescadores.¹ We have a law which says that the armed forces of the United States can be used in that part of the area for the defense of Formosa and the Pescadores.² We have no commitment of any kind, sort, or description, expressed or implied, which binds the United States to anything except the defense of Formosa and the Pescadores.

Now you get to the question—if there seems to be an attack against Formosa and the Pescadores, how do you defend against that attack? That is the only question. Some people say that we should announce in advance precisely how we are going to defend and carry out our commitment on Formosa and the Pescadores and to say we will carry out that commitment by doing this or by not doing that. Once you extend your commitment to defend Formosa to a commitment as to particular means which you may use for defense, then you are getting into very difficult ground. We have a commitment, certainly, to defend the United States of America. But nobody yet has required us to state publicly precisely what the means would be of defense in the event of certain types of attack which cannot be predicted. I repeat—again and again and again—that our only commitment is to defend Formosa and the Pescadores and if there were no challenge to Formosa and the Pescadores, then there wouldn't be any question as far as we are concerned of fighting in that area.

¹ Treaty of Dec. 2, 1954; *supra*, pp. 945-947.

² Joint resolution of Jan. 29, 1955; *supra*, doc. 77.

Asked if he were saying in that connection that we would not aid the Chinese Nationalists to defend Quemoy and Matsu for the sake of Chinese Nationalist morale, Mr. Dulles replied:

Unless that were vital for the defense of Formosa and the Pescadores. It all comes back to that.

83. RELAXING TENSION IN THE FORMOSA (TAIWAN) AREA: Statement by the Department of State, April 23, 1955¹

The Department of State has received press reports concerning the statement of Chou En-lai at the Bandung conference.² The United States always welcomes any efforts, if sincere, to bring peace to the world. In the Formosa region we have an ally in the free Republic of China, and of course the United States would insist on free China participating as an equal in any discussions concerning the area.

If Communist China is sincere, there are a number of obvious steps it could take to clear the air considerably and give evidence before the world of its good intentions. One of these would be to place in effect in the area an immediate cease-fire. It could also immediately release the American airmen and others whom it unjustly holds. Another could be the acceptance of the outstanding invitation by the Security Council of the United Nations to participate in discussions to end hostilities in the Formosa region.³

84. POSSIBILITY OF NEGOTIATING A CEASE-FIRE ARRANGEMENT: Transcript of a News Conference of the Secretary of State, April 26, 1955⁴

Q. Mr. Secretary, would you agree with Senator George that the United States should sit down and talk with Red China even though Nationalist China might not be present?

A. That depends on what we talk about and whether there is evidence that such talks would be held in good faith on both sides. We are not going to talk about the interests of the Republic of China behind its back.

¹ Department of State *Bulletin*, May 2, 1955, p. 738.

² Statement of Apr. 23, 1955: "The Chinese people are friendly to the American people. The Chinese people do not want to have war with the United States of America. The Chinese Government is willing to sit down and enter into negotiations with the United States Government to discuss the question of relaxing tension in the Far East and especially in the Taiwan area" (New York *Times*, Apr. 24, 1955, p. 1).

³ See Secretary-General Hammarskjöld's cablegram to Chou En-lai, Jan. 31, 1955; *supra*, doc. 79.

⁴ Department of State *Bulletin*, May 9, 1955, pp. 755-759.

Q. Mr. Secretary, I believe you said you would try to find out if the Communists are sincere. What steps do you have in mind to do that?

A. There are inquiries that we can make through friendly governments to find out what the Communists have in mind. For example, the statement as made by Chou En-lai the last day at Bandung is somewhat cryptic in that he said in substance that no conference should deny the sovereign right of the People's Republic to "liberate" Taiwan. If that means that the Communists are not prepared to talk about a cease-fire in the area, if they are not willing to give up the achievement of their ambitions through force, then obviously there would be no reason that I can see to talk with them.

Q. Mr. Secretary, in the light of what you said this morning, are we right in assuming that the conditions, or what seem to be conditions, in the Saturday statement of the State Department¹ are not regarded by you as conditions prior to discussion with the Chinese Communists?

A. There are two paragraphs in the State Department release, as I recall. The first paragraph said in substance that we would not discuss a disposal of the area in the absence of the Chinese Nationalists. That stands as a precondition. We are not going to deal with the rights of the Chinese Nationalists, and their claims, in their absence.

Now, the other paragraph mentions certain things which it said would clear the air and be evidence of sincerity. Those are not stated as conditions precedent. It said that it would be helpful if the Chinese Communists would release our flyers, etc. Those things were not stated as conditions and were never intended to be conditions. They are very much like what the President and I often said in relation to the rulers of the Soviet Union—that it would be very helpful evidence of their sincerity if they would do certain things such as signing the Austrian treaty. That was one of the things mentioned 2 years ago by the President in his "Chance for Peace" address.² Nevertheless, that was never regarded as an indispensable prerequisite to talking with the Soviet Union. Actually, before any Austrian treaty, I did meet with the Soviet Union at Berlin.³

Q. Mr. Secretary, did you see the statement or approve the statement before it was issued on Saturday?

A. No, I was away. When I get away I am really away, up there.

Q. Mr. Secretary, there is a report that the statement was very badly received by our friends and elsewhere in the free world. Will you comment on that?

A. No, except I am not aware of the fact.

Q. Mr. Secretary, would official talks, as proposed by the Chinese Communists, be tantamount to a semirecognition of the Red Government?

¹ Statement of Apr. 23, 1955; *supra*.

² Address of Apr. 16, 1953; *supra*, pp. 65-71.

³ i. e., the Berlin Foreign Ministers meeting of Jan. 25-Feb. 18, 1954.

A. No, we have made that perfectly clear when we talked to them before. Remember that it would be nothing new for us to talk with the Chinese Communists. We negotiated the armistice in Korea¹ with the Chinese Communists. We had some discussions with the Chinese Communists at Geneva.² We made it perfectly clear on both occasions, in fact, it was said explicitly in the Berlin resolution which convoked the Geneva conference,³ that the fact that we met together would not involve diplomatic recognition. Of course that would also be explicit in any further talks we had.

Q. Mr. Secretary, would you be willing to undertake direct negotiations with the Chinese Communists providing they agreed to participation of Nationalist China, or would you prefer that they be held under the auspices of the United Nations?

A. We believe it to be preferable that negotiations should be held under the auspices of the United Nations, and I do not give up hope that they might be held under those auspices. I read last night, the first time I had a chance to do so, the final communiqué of the Bandung conference.⁴ What impressed me, as I read through it, was the extent to which that communiqué talks about the United Nations. Almost every paragraph brings in the United Nations and the various activities of the United Nations. Since that communiqué was acceptable to the Chinese Communists, perhaps they do not have such a repugnance to the United Nations as seemed to be the case when last January they were invited by the United Nations to have discussions.⁵

Q. Mr. Secretary, are you planning to take any steps to revive the United Nations effort in this matter?

A. I doubt whether it is useful to revive the United Nations effort at this particular juncture without preliminaries to find out if it would be apt to succeed.

Q. Mr. Secretary, do we definitely plan to make these inquiries through friendly governments? I think you said we might.

A. I said we might because these matters all require a certain amount of deliberation. What was said at Bandung is coming in gradually—some I only got this morning, in fact, from some of the friendly governments. Therefore, we have not had an opportunity yet to formulate anything so definite that I could speak in the past tense, as of something already decided.

Q. Mr. Secretary, do you attach any significance to the fact that the Chinese Communists proposed bilateral negotiations with us and that the

¹ Armistice agreement of July 27, 1953; *supra*, pp. 724-750.

² See *The Korean Problem at the Geneva Conference, April 26-June 15, 1950* (Department of State publication 5609; 1954).

³ *Infra*, p. 2685.

⁴ *Supra*, pp. 2344-2352.

⁵ See Secretary-General Hammarskjöld's cablegram of Jan. 31, 1955, to Chou En-lai, the Chinese Communist Premier (*supra*, doc. 79) and Chou's reply of Feb. 3, 1955 (Department of State *Bulletin*, Feb. 14, 1955, pp. 254-255).

Russians not long ago proposed a 10-power conference to discuss the same matter, or the Formosa issue?

A. I noticed that fact, and I thought it had a certain significance.

Q. Which would you prefer?

A. Well, I found quite unacceptable the Soviet proposal for a 10-power conference with the composition suggested and with the omission of the Chinese Nationalists from that group. Much depends on what it is you are going to discuss—the subject matter of the conference. The agenda, so to speak, itself operates to determine to a considerable extent who it is that ought to be there. So far we are very much in the dark as to what might be discussed.

Q. Mr. Secretary, does that mean you would not rule out bilateral talks? You would not rule it out?

A. No.

Q. Mr. Secretary, you started to say you would attach some significance to this, and then you did not say what significance you would attach—

A. It tends to confirm the fact that in this area the Chinese Communists exercise, I think, a measure of independence. I think that their basic policies are undoubtedly coordinated with the Soviet Union and that the Party discipline is exerted in both countries along fundamental lines. But certainly as respects details, the application of agreed principles, there is a far greater measure of independence exercised by the Chinese Communists than is the case with reference to the satellite countries of Europe, for example.

Q. Mr. Secretary, in the Chou En-lai proposal he spoke not only of the specific Formosa problem but of the general Far East problem. Is it your view that our position is that we should settle the Formosan problem before we get into a larger discussion with Communist China, or is it possible to have a larger discussion in which Formosa can be a part of it?

A. The first thing, it seems to me, that requires to be determined is whether we must prepare for war in that area or whether there is apt to be a cease-fire in the area. One cannot very well settle matters under the threat of a gun. So far there has been nothing but war threats in the area. There has been and there is still continuing a very large buildup, particularly of Chinese Communist air capabilities, in the Formosa Straits area. There has been until quite recently a very violent propaganda campaign to the effect that they were going to take Formosa by force and that the islands, such as Tachen, were useful to carry out their program of force. As I say, you do not negotiate—at least, the United States does not negotiate—with a pistol aimed at its head.

The first thing is to find out whether there is a possibility of a cease-fire in the area. That is a matter which can be discussed perhaps bilaterally, or at the United Nations, or possibly under other circumstances. But I regard a cease-fire as the indispensable pre-

requisite to anything further. When you get into further matters, then the interests of the Chinese Nationalists would naturally come to play a very large part.

Q. Mr. Secretary, have the Nationalist Chinese accepted the concept of a cease-fire? Are they prepared to accept a cease-fire in that area?

A. They have indicated opposition to a cease-fire in the area, and in that respect our views do not wholly coincide. At the time when New Zealand put this matter on the agenda of the Security Council, there was, as I recall, a statement issued by the Chinese Nationalists indicating they did not favor a cease-fire in the area.

Q. Mr. Secretary, you said that, after discussing the cease-fire, in other matters the interests of the Chinese Nationalists would play a part. Do I understand correctly from what you said that the presence of the Chinese Nationalists would not be indispensable for the discussion of a cease-fire?

A. Not as far as concerns a cease-fire which involved the possible interests of the United States, which has undertaken to react to an attack against Formosa. If we could get assurances there was to be no attack against Formosa, we would accept those.

Q. Mr. Secretary, it has been suggested that the move by the Chinese Communists—by Chou En-lai at Bandung—did not come as a complete surprise but in fact you had some information, or at least expectations of it—that it figured in your discussions with the President in Augusta and it may perhaps have played some part in the mission of Assistant Secretary of State Robertson and Admiral Radford at Formosa.¹

A. I would say this: It is no secret that we have hoped that the Bandung conference² would result in a more peaceful attitude on the part of the Chinese Communists. I have sometimes said that I felt that a great deal would depend, as far as the future is concerned, on whether the Chinese Communists came away from Bandung feeling that they had a green light to go ahead and take Formosa by force or whether they felt that to do so would antagonize the good will of the free Asian countries which they were seeking.

It is that thought which influenced us as far back as the Bangkok conference. There, you may recall, was introduced a resolution of greeting to the Bandung conference³ and an expression at that time of the hope that the Bandung conference would set in motion forces for peace. After I was at Augusta with the President, you may recall that I said then that the President hailed the Bandung conference and called on it to "exert a practical influence for peace where peace is now in grave jeopardy."⁴ We have all along believed that

¹ See statement of Apr. 20, 1955, by the Department of State; Department of State *Bulletin*, May 2, 1955, p. 732.

² See the communiqué of Apr. 24, 1955, of the Bandung conference; *supra*, pp. 2344-2352.

³ See statement of Feb. 26, 1955; Department of State *Bulletin*, Mar. 7, 1955, p. 373.

⁴ See Secretary Dulles' statement of Apr. 17, 1955; *ibid.*, May 2, 1955, pp. 727-728.

if the Chinese Communists would get in contact with the opinion of the free peoples, the free nations of Asia, they would realize much more fully than they have so far that their policy of relying upon force, the policy to which I alluded in the opening statement,¹ was a policy which it was not in their best interests to follow.

I don't think that there occurred any moral or spiritual conversion on the part of the Chinese Communists. But I do think that there may have been a realization of the fact that a real peacefulness, instead of just talk about peace while carrying on war, was from their standpoint the best policy. If that has happened, it is something which we can be very glad about.

Q. Mr. Secretary, do you attribute these encouraging developments to Mr. Hammarskjöld's negotiations?

A. I doubt if there is any discernible relationship between the two.

Q. I just wanted further clarification of my question as to whether these considerations played a part in the mission of Admiral Radford and Secretary Robertson in Formosa.

A. They played a part, although I would not say a decisive part.

Q. Mr. Secretary, how much are you able to tell us this morning about the mission of Admiral Radford and Secretary Robertson?

A. Very little, other than to say that the situation in that area has been precarious. We did not know whether it would take a turn for the better or the worse as a result of the Bandung conference. I have referred already to the buildup that is proceeding on the China mainland, which has very distinct military implications, some of which in turn have political implications. In view of that it seemed useful to have another high-level talk and to have Assistant Secretary of State Robertson and Admiral Radford canvass the political and military aspects of the situation in the Formosa Straits in the light of new developments which had occurred. It was a general, overall review of the factors, political and military, and it seemed useful to carry that on in a personal, direct way at a high level, such as has been done, rather than depend upon cable communication, which in these matters is not always satisfactory.

Q. Mr. Secretary, could you persuade them to be a little more friendly to the idea of a cease-fire?

A. I can't add to what I have said except to say this—Secretary Robertson and Admiral Radford did not go out there with the idea of exerting any coercive pressures upon the Chinese Nationalists. They went over to sit down together as allies, as partners, to discuss the situation that is developing. I must say frankly that I do not yet know fully today what the outcome of their discussions has been.

¹ Statement of Apr. 26, 1955; *ibid.*, May 9, 1955, p. 754.

Q. You would like to have the Nationalists be more receptive to the idea of a cease-fire?

A. There has been no secret of the fact that the United States has hoped for a cease-fire in the area. The President made that perfectly clear in his message to the Congress.¹ That was last January when he spoke of what we then thought was the most hopeful route of action before the United Nations to bring about a cease-fire and the acceptance of a principle of the United Nations that nations should renounce force to accomplish their objectives. There has been some difference of viewpoint between the Chinese Nationalists and ourselves with respect to that matter, but I am not in a position to say to what extent that was discussed at Taipei or what the result was, because I haven't heard.

Q. Mr. Secretary, do I understand you correctly that it would be possible for us to accept a declaration from the Chinese Communists as to their willingness to agree to a cease-fire without participation of the Chinese Nationalists in any such declaration?

A. I think the United States would welcome an assurance of the abandonment of force by the Chinese Communists in whatever way it came.

Q. Should it be made a public statement?

A. I think it should be public, for unless it was made public we would not have the adequate sanction of the weight of public opinion behind it.

Q. Mr. Secretary, can you get it down to this: Do we consider it our turn now to get in touch with the Chinese Communists, or do we consider that we must hear more from the Chinese Communists about this peace conference that Chou En-lai originally proposed?

A. I don't know about this question of whose "turn" it is. However, I would say this: When the issues are as grave as those that confront us in the Formosa area, we are not disposed to stand upon protocol.

A proposal has been made which may or may not be sincere, which may or may not have any substance to it. We believe that the circumstances under which it was made are apt to give it a greater degree of credibility than perhaps if it had been made under other circumstances. It was made to and in the presence of a very large group of other countries, made to them first privately and then it was made publicly. Therefore, a statement made under those conditions carries greater weight than if, for example, it had been a pure propaganda statement issued by Peiping radio sometime.

Now, since a statement was made under those circumstances, we are disposed to try to probe it further. As to the order of events, if we should get a further clarification which would come spontane-

¹ Message of Jan. 24, 1955; *supra*, doc. 76.

ously from the Chinese Communists, that would be well and good. But we shall not merely sit around and wait on that. We may probe the thing ourselves to find out if it has any substance.

As I say, there was an ambiguous phrase about their sovereign right to "liberate" Formosa which could not be any way impaired. Now, I have said previously that we would not expect the parties to this struggle, whether the Chinese Nationalists or the Chinese Communists, to renounce their ambitions. We don't expect that to be done any more than we expect that to happen in the case of Germany or Korea or Viet-Nam. But even though they retain their ambitions—retain their claims—they might renounce the use of force to satisfy their claims and their ambitions. Now I don't know whether what Chou En-lai said was intended to be responsive to what I had previously said on that phase of the matter, or not. That is one of the things which I think deserves further exploration.

Q. Can you tell us what are the mechanics, what you are doing to find out, what is happening as far as our Government is concerned? Mohammed Ali, the Pakistan Premier, this morning reported he had a conversation with Chou and that Chou En-lai told him the door was still open a crack. Also, Chou En-lai told him he felt there was a possibility of successful negotiation, or implied that. He also said Chou En-lai made to him what he regarded as a reasonable proposition for the settlement of the present crisis. He didn't give the details. Have you asked Mohammed Ali to tell you what the details are or asked him to give the reaction of the U. S. to this conversation? What are we doing? That is what I want to know.

A. I thought I had made clear, in answer to a prior question, that we have not yet done anything—that the information which is prerequisite to sober, intelligent action is only beginning to come in. Only a few minutes ago did we receive word through the Pakistan Embassy of what you refer to, and we have not yet collected all the relevant data. Until we have all the relevant data we are not going to go off doing things.

Q. Mr. Secretary, why should you insist that this evidence of sincerity should be made public? Would you be satisfied with assurance given through diplomatic channels, shall we say, by private diplomacy?

A. Well, that is a hypothetical question and I wouldn't want to respond categorically to it. But it does not seem to me that it is possible to make plans on the assumption that there will be a cease-fire in the area unless we can let it be known. It affects all of our own thinking and all of our own planning and the planning of the Chinese Nationalists, and it is quite incredible to me that there should be a secret agreement to have a cease-fire. I would think it would be quite a problem as to how to keep it secret.

85. NEGOTIATIONS WITH COMMUNIST CHINA FOR A CEASE-FIRE ARRANGEMENT IN THE FORMOSA (TAIWAN) AREA: Statement by the Secretary of State at a News Conference, July 26, 1955¹

Last April at the Bandung conference Mr. Chou En-lai suggested that there should be bilateral talks with the United States. He said, "The Chinese people do not want to have war with the United States. We are willing to settle international disputes by peaceful means."

Immediately (on April 23, 1955) the Department of State responded by stating that "the United States always welcomes any efforts, if sincere, to bring peace to the world."² Then at my subsequent press conference (April 26, 1955) I referred to Mr. Chou En-lai's statement and said, "Whether or not that was a sincere proposal remains to be seen. Perhaps the Chinese Communists are merely playing a propaganda game. But we intend to try to find out. In doing so we shall not, of course, depart from the path of fidelity and honor to our ally, the Republic of China."³

Developments since then indicate the possibility of obtaining beneficial results from a continuance of the talks which have been going on at Geneva for the past year and their restoration to the original ambassadorial level.

Four out of the 15 United Nations prisoners of war have been released.⁴ A few more United States civilians have been released. These results, though meager, are something. Chinese Communist warlike activities, such as had been displayed in relation to I-chiang and Tachen,⁵ have not been resumed and there has been something approximating a *de facto* cease-fire in the Taiwan (Formosa) area. The former belligerent Communist propaganda about Taiwan and against the United States has recently been somewhat subdued.

In addition, various governments which have diplomatic relations with the People's Republic of China have indicated their own belief in the desire of the Chinese Communists to pursue a peaceful path.

Under these circumstances the United States proposed on July 11 to Mr. Chou En-lai that the talks that had been going on at Geneva, recently at the consular level, should be somewhat raised in level and enlarged in scope. This proposal was made through the intermediary of the United Kingdom, which represents the interests of the United States in Communist China. There was prompt acceptance of this proposal and, after the date was agreed to, a mutually agreed communiqué with reference to it was arrived at and simultaneously issued in Peiping and in Washington yesterday morning.⁶

It was made clear that the offer of the United States did not imply any diplomatic recognition whatsoever. It was also made clear that we were not prepared in any way in these talks to make arrangements

¹ Department of State *Bulletin*, Aug. 8, 1955, pp. 220-221.

² *Supra*, doc. 83.

³ Department of State *Bulletin*, May 9, 1955, p. 754.

⁴ See statement of June 1, 1955, by the Department of State; *infra*, doc. 92.

⁵ See remarks of Jan. 18, 1955, by Secretary Dulles; *supra*, doc. 75.

⁶ See *infra*, doc. 93.

which would prejudice the rights of our ally, the Republic of China.

The United States will be represented at Geneva on August 1 by our Ambassador to Czechoslovakia, U. Alexis Johnson. It was Ambassador Johnson who represented the United States in the Geneva talks with the Chinese Communists when these talks first began a year ago.¹ Prior to that, as a Departmental officer, he devoted himself largely to the Korean Armistice negotiations.

The United States is concerned with getting back the American civilians still detained in Communist China. In this connection we are prepared to discuss with the Chinese Communists the status of the few Chinese students in the United States who desire to return to Communist China and who the Chinese Communists claim, without foundation, are prevented.

We also want to reinforce the efforts of the United Nations to get back the Americans who as members of the United Nations Command in Korea became prisoners of war and are still held by the Chinese Communists.

As to other practical matters which might be considered, the United States would like to be sure of precautions taken against a repetition of such incidents as involved the shooting down of the Cathay airliner with loss of American lives and injury to American civilians.²

Of course, the basic thing is that which I pointed out in my press conference of April 26, namely, "whether we must prepare for war in that area or whether there is apt to be a cease-fire in the area."³

The United States believes that whatever may be the differences which now divide countries, these differences should not be settled by recourse to force where this would be apt to provoke international war. The United States has itself consistently acted on that belief. Whenever we give any military assistance, it is under the explicit condition that it will not be used for aggressive purposes. There is no doubt but what East Germany is part of Germany, but Chancellor Adenauer has given solemn assurance that he will not use force to unite his country.⁴ There is no doubt that North Korea is a part of Korea, but the security treaty which we made with the Republic of Korea⁵ makes clear that the United States will not extend its protection other than to areas which we recognize as having been lawfully brought under the jurisdiction of the Republic of Korea, and we do not believe that aggressive force is such a lawful means. There is no doubt but that North Viet-Nam is part of Viet-Nam, but we stated in connection with the Indochina armistice that we were opposed to any renewal of aggression to bring about the unification of Viet-Nam.⁶

Both the Republic of China and the Chinese People's Republic claim that the area held by the other is part of China. But in connection with the mutual security treaty which the United States made

¹ See the Mar. 1, 1955, statement by the Department of State; *infra*, doc. 90.

² See *infra*, docs. 97 and 98.

³ *Supra*, p. 2499.

⁴ See the declaration by the German Federal Republic in Part V of the Final Act of the London Conference, Oct. 3, 1954; *supra*, p. 1481.

⁵ Treaty of Oct. 1, 1953; *supra*, pp. 897-898.

⁶ Declaration of July 21, 1954; *supra*, pp. 787-788.

with the Republic of China,¹ it was agreed that the Republic of China would not use force except as a matter of joint agreement, subject to action of an emergency character which was clearly an exercise of the inherent right of self-defense.²

We believe that the principle of nonrecourse to force is valid not merely for the United States and its allies but that it is valid for all.

We shall hope to find out in the forthcoming talks whether the Chinese Communists accept the concept of a cease-fire in accordance with the United Nations principle of avoiding any use or threat of force which could disturb the peace of nations.

No doubt the Chinese Communists will have matters of their own to bring up. We shall listen to hear what they are, and if they directly involve the United States and Communist China we will be disposed to discuss them with a view to arriving at a peaceful settlement.

As President Eisenhower said last night,

... the United States will go to any length consistent with our concepts of decency and justice and right to attain peace. For this purpose we will work cooperatively with the Soviets and any other people as long as there is sincerity of purpose and a genuine desire to go ahead.³

That is the principle which will govern the continuation of our talks with the Chinese Communists at Geneva.

86. NEGOTIATION OF A BROAD CEASE-FIRE ARRANGEMENT IN THE FORMOSA (TAIWAN) AREA: Transcript of a News Conference of the Secretary of State, August 2, 1955 (Excerpt)⁴

At his news conference on August 2, Secretary Dulles was asked a series of questions regarding the ambassadorial talks at Geneva between the United States and the People's Republic of China. Following is a transcript of that portion of the news conference.

Q. Mr. Secretary, are there any obstacles presently on the return of Chinese in this country to the mainland, and do you know of any case of any Chinese here who have been prevented from returning?

A. No, there are no restrictions whatsoever on the return to China of any of these Chinese here, particularly students, who have expressed a desire to return, and we have tried to ascertain who of them does desire to return. Now Mr. Chou En-lai in his speech the day before yesterday, I think it was, or 3 days ago, said something about financial

¹ Treaty of Dec. 2, 1954; *supra*, pp. 945-947.

² See notes exchanged between Secretary Dulles and Foreign Minister Yeh on Dec. 10, 1954 (*supra*, pp. 947-949) and report of Feb. 8, 1955, by the Senate Committee on Foreign Relations (*supra*, pp. 957-965).

³ *Supra*, pp. 111-114.

⁴ Department of State *Bulletin*, Aug. 15, 1955, pp. 260-262. See also statements of Aug. 1, 1955, by President Eisenhower and Secretary Dulles regarding the release of American military prisoners by the Chinese Communists (*ibid.*, p. 262) and Secretary Dulles' remarks of Aug. 16, 1955, concerning the Geneva talks with Chinese Communist representatives (*ibid.*, Aug. 29, 1955, pp. 341-342).

difficulties.¹ I can't answer whether any of them are in such financial difficulties that they haven't got the money to pay their fare home. That is a question which will no doubt be looked into as a result of the talks taking place at Geneva. But as far as any legal impediments are concerned, I can say categorically that there are none.

Q. Mr. Secretary, about how many of these students are there who want to return to China? You said last week that there were a few.

A. It is in the general order of under 50. I am sorry I don't have the precise number in my mind.

Q. Mr. Secretary, in that statement of Chou En-lai's, he reiterated an argument that he made before, namely, that there was no point in discussing a cease-fire with the United States, since there is no shooting between the two countries. You have taken the point of view, I believe, that the cease-fire is a matter of discussion. How do you reconcile those differing views?

A. I would gather that Mr. Chou En-lai is using that word in a rather technical sense, whereas I have used it in a broad sense. It is quite true that there is no fighting going on at the moment between the Chinese Communists and the United States military forces in the area. On the other hand, there has been very considerable danger of such fighting. And what I have wanted to bring about was an assurance that the Chinese Communists were not planning to use military force in order to achieve their ambitions in that area.

I made that quite clear, I think, in several statements which I have made, and particularly in the statement which I made last week.² I was very glad to note that Mr. Chou En-lai quoted with apparent approval one statement which I had made to the general effect that whatever were the differences which divided countries it should not be sought to resolve that difference by use of force, and I thought in general the tone of the speech indicated his going further in the renunciation of force than anything he had said before.

Q. In other words, if I might follow that, what you are seeking is not a cease-fire in the terms that perhaps most Americans have been thinking about between the Nationalists and the Chinese but something much broader, in terms of perhaps a U.N. Charter declaration, between the Chinese Communists and the United States?

A. That is correct. And also you must bear in mind that a display of military activity there by the Chinese Communists which was designed to possess themselves by force of Formosa would bring into play our treaty of defense with the Republic of China.

Q. Mr. Secretary, could the United States give the Chinese Communists assurances in any such discussions that the Chinese Nationalists would not engage in force?

¹ Address of July 30, 1955; New York Times, July 31, 1955.

² Statement of July 26, 1955; *supra*.

A. I think that the treaty arrangements which we have with the Republic of China make it quite clear that it is in our mutual contemplation that force shall not be used.¹ The whole character of that treaty is defensive. That is underlined throughout the treaty itself and in the concurrent understandings that were arrived at in that connection; so while the United States would not feel that it was in a position to act as in any sense an agent for the Republic of China, nevertheless I do think that the whole pattern that has been woven there by the United States is in itself evidence that we accept for ourselves, and in our alliances seek to make it a principle of those alliances, that force shall not be used to achieve national ambitions. That is the same principle which we invoke and which we hope will guide the Chinese Communists, and we naturally accept it for ourselves. As you probably know, all of the agreements under which we give military assistance to various countries are very explicit in their provisions that the equipment shall not be used for any aggressive purpose.

Q. Mr. Secretary, does this also apply to the South Korean declaration of today, I believe it is, that they wish to recover areas below the 38th parallel, including Kaesong and the Ongjin Peninsula? ²

A. It would apply equally to that, yes.

Q. Mr. Secretary, you have said that you don't expect the idea of a broader no-shooting arrangement to come about out of these current Geneva talks. Do you envisage a high-level talk or how do you expect to bring this about?

A. I would expect this to come about primarily as a declaration of policy which leaders or the rulers of a country would make rather than as the subject of a bilateral agreement.

Q. Mr. Secretary, will you elaborate a little more on this broader agreement relating to a cease-fire? Just how do you expect it to evolve? Does it have a U.N. connection, for example?

A. No. What we hope to arrive at by progressive steps is a situation where the Chinese Communists will have renounced the use of force to achieve their ambitions. That is the thing I have been emphasizing and driving at for months because, if they are not willing to do that, if they want to use force to achieve their ambitions, that will almost surely start up a war the limits of which could not be defined in advance. How that is brought about I don't know. That is a matter of policy for the Chinese Communists. I don't know how they will choose to make that clear, if indeed they do make it clear. I already have said that the speech of Chou En-lai of last Friday went further in that direction than anything that he has yet said. I hope that what is taking place either at Geneva or outside of Geneva, and the whole trend of world events, will create a situation

¹ See the treaty of Dec. 2, 1954, and notes exchanged Dec. 10, 1954, between the United States and the Republic of China; *supra*, pp. 945-949.

² See the *New York Times*, Aug. 2, 1955.

o that we can feel that we are not under the threat of war from the situation in that area. I said in my press conference of April 26,¹ you may remember, that the United States was not willing to negotiate with a pistol at its head; that the first thing to do is to find out whether there was a threat of war there because, if that was the case, then as far as the United States is concerned it would be quite impossible to negotiate these practical matters.

I pointed out last week that a number of things had happened which indicated that the pistol had been laid down and that it made it possible to try to clear up now some of these practical matters between us. But the important thing is that the pistol should be permanently discarded, and we hope that the trend of events will bring reassurance on that point.

Q. Mr. Secretary, in connection with the Communists laying down their pistol, is there any relation between that and SEATO, the Southeast Asia defense alliance?

A. Obviously the laying down of the pistol is applicable to the situation in Indochina as well as to the situation in the Formosa straits. We have there a series of armistice agreements² which purport to bring the fighting there to an end. Obviously any resumption of that fighting would be violating the principle to which we have alluded.

Q. We would not be willing, for instance, to trade a declaration by the Reds abandoning the use of force for our abandoning SEATO, or disbanding SEATO?

A. Absolutely not, any more than we would be prepared to abandon the North Atlantic Treaty Organization. We are absolutely convinced that these collective security organizations are in the interest of peace. We know that they are defensive in purpose and in spirit, and we believe that they are in harmony with the general trend of the times which brings every community to organize itself on a collective security basis. The old days when each had to defend his own home with his own gun have passed. We have a central police force; we have a central fire department. The whole idea of getting security through collective action rather than individual action is in our opinion a tremendous advance. Now the Soviets and Communists seem to take the view that each country should stand alone on its own feet, that there shouldn't be any collective organizations for security. We believe that is turning the clock back to go in that direction, and we are not disposed to turn the clock back by dismantling either NATO or the so-called SEATO, the Manila Pact.³

I explained that at Geneva.⁴ I said this North Atlantic Treaty Organization isn't anything directed against the Soviet Union. If

¹ *Supra*, doc. 84.

² Agreements of July 20, 1954; *supra*, pp. 750-785.

³ Treaty of Sept. 8, 1954; *supra*, pp. 912-916.

⁴ See Secretary Dulles' statement of July 20, 1955; *supra*, pp. 1891-1892.

there weren't any Soviet Union in the world today it would be almost as important because it ties together, it integrates, these nations who make up its membership in a way which makes it most unlikely and impractical that any one of them shall assume an offensive nationalistic action of its own. That is its essential value. As I say, even if so-called tensions between the East and West were totally resolved, I believe that this type of organization should persist and that that marks the enlightened future which we should seek.

Q. Mr. Secretary, do you think that parallel with an easier relationship with the Soviet Union there is now developing an easier relationship with Red China? Is that the import of much that you have said?

A. The release of the fliers, the release of the civilians, if it comes about, such statements as are made by Chou En-lai, if I interpret them right and if they are sincere and permanent parts of policy, might mark the beginning of a new phase in Chinese Communist relations with the rest of the world. I pointed out some time ago that the Chinese Communists seem to be much more violent and fanatical, more addicted to the use of force than the Russians are or have become. Whether or not there is going to be a change in that respect I don't know. There are some auguries, but we always have to remember the adage that one swallow does not make a summer.

The Problem of United States Nationals Detained in Communist China

87. IMPRISONMENT OF UNITED STATES NATIONALS BY CHINESE COMMUNIST AUTHORITIES: Statement by the Department of State, May 21, 1951 ¹

The Department of State has been extremely concerned for an extended period of time over the imprisonment by Chinese Communist authorities of a number of American nationals, now believed to number more than 30. At least some are definitely known to have been allowed no communication with anyone outside. In most cases, the local Chinese Communist authorities have given no explanation of the arrests or any information concerning the welfare or whereabouts of the persons arrested. Access has been denied to legal counsel and to British officials, who have been representing American interests in Communist China since the closure of our consulates. This Government has been in constant communication on this subject with the British Government.

On April 30, the British Chargé d'Affaires at Peiping, acting on instructions of the Foreign Office, made representations to the respon-

¹ Department of State *Bulletin*, June 11, 1951, p. 947.

sible Chinese Communist authorities at Peiping on behalf of all Americans arrested, as well as the United Kingdom, Canadian, and Australian nationals under arrest. He appealed to these authorities to take appropriate steps to permit those imprisoned to have access to legal counsel and to friends outside. It was hoped that their speedy release would be effected, on humanitarian no less than on equitable grounds. No reply has yet been received by the British Government from the Chinese Communist authorities.

The Department of State has also been concerned for some time over the continued denial by Chinese Communist authorities of exit permits to certain Americans, including a number of Shanghai businessmen, some of whom have been endeavoring for over a year to leave China. Arbitrary refusal to permit aliens to depart from a country is of course a violation of the elementary principles of international law and practice.

88. DETENTION OF UNITED STATES NATIONALS: Statement by the Department of State, December 12, 1951¹

The Department has for some time been concerned about detention of Americans by officials of the Chinese Communist regime.² Meanwhile information on the general situation in which Americans in Communist China find themselves has been made available to any who inquire.

The Department, however, has refrained from making individual names public. It has advised the relatives or associates of persons detained that publicity in individual cases was a matter for their decision and it has not discouraged those who wished to give publicity to the arrests.

The Department has refrained from publicizing the names and specific situations of those persons or all of the action the Department has taken in their behalf for two major reasons: (1) requests of relatives or associates of the person concerned that no publicity be given for fear of jeopardizing the person's welfare; and (2) warnings by countries assisting in making representations to the Chinese Communists that in their opinion official publicity, particularly during the period of their activity on our behalf, might jeopardize the success of their efforts.

Americans are not the only ones under detention in Communist China. There are numerous other foreigners also under arrest, including nationals of countries which have recognized the Chinese Communists and which have established diplomatic relations in Peiping. All foreigners face these same difficulties.

In this connection it will be recalled that the Department issued a series of warnings to American citizens in China to evacuate that country before the Communists took over unless they were prepared

¹ Department of State *Bulletin*, Dec. 24, 1951, p. 1014. The statement represents the substance of an oral announcement to the press on Dec. 8, 1951.

² See statement of May 21, 1951, by the Department of State; *supra*.

to remain under hazardous conditions. The American Embassy in China on July 26, 1949, publicly warned all Americans in China that the Chinese Communists "had demonstrated an inability or unwillingness to afford adequate protection to foreigners or to safeguard their individual liberties, particularly in connection with arrest, detention, trial and mob action."¹

Many Americans left in the face of these warnings, and where no adequate means of transportation were available this Government assisted them in departing by providing military air and sea transport.

There are still about 300 Americans in Communist China. Most are engaged in business or missionary activities, and are not in prison, although some 30 had been reported to be under house arrest. Seven of these are now reported to have been released. However, as in some instances final confirmation has not yet been received, the Department cannot make their names public. The situation is complicated by the difficulty in obtaining accurate and up-to-date information in many cases.

Two of the 32 persons formerly listed as in prison have now been released and have left China. In addition, Philip Cline, who had been under arrest, was released from prison, but died in a Chinese hospital. The Department has also received further information reporting that one person formerly believed to be under house arrest is now in prison and that two additional Americans were arrested in August and September, leaving this total at 32.

The Department continues to make every effort to free those held in prison or detained against their will. The Department, however, does not consider it advisable at this time to make public all the details regarding the steps it is taking and has taken to accomplish the release of detained Americans.

89. CONTINUED DETENTION OF UNITED STATES NATIONALS: Statement by the Department of State, October 9, 1953²

The Department of State is very seriously concerned over the continued imprisonment, detention and maltreatment of American citizens in Communist China. There are now 33 Americans in Chinese Communist jails, some of whom have been imprisoned for 2 years. The Chinese Communist regime has not published the charges on which most of these Americans are being held. The Chinese Communists have not answered the numerous protests and notes which the British representatives in Peiping have presented on our behalf.

In the case of the 3 Americans seized on the yacht *Kert* last March 21, the Chinese Communists have released no information, despite the

¹ Department of State *Bulletin*, Aug. 8, 1949, p. 197. The quoted passage reads as follows: "... the Chinese Communist authorities have thus far, in areas under their control, demonstrated in many cases an inability or unwillingness. . . ."

² *Ibid.*, Oct. 26, 1953, pp. 551-552.

appeal made by the British representative at Peiping on March 28, 1953.

We have also asked the Soviet Union to assist on several occasions. The first request was made by our Embassy at Moscow in September 1951. On March 25 of this year Ambassador Lodge asked the Soviet delegate during debate at the United Nations if the Soviet Union could furnish any information about the Americans,¹ including Donald Dixon and Richard Applegate. Our Embassy in Moscow also has made several approaches to the Soviet Foreign Office this year.

The Department will not overlook any possibility of obtaining the release of all the Americans unjustly imprisoned by the Chinese Communists or denied the right to leave Communist China.

90. NEGOTIATIONS AT THE CONSULAR LEVEL FOR THE RELEASE OF UNITED STATES NATIONALS: Statement by the Department of State, March 1, 1955²

While U.N. Secretary-General Hammarskjöld continues his efforts to secure the release of American military personnel of the United Nations Command imprisoned in Communist China,³ a continuing effort is also being made by the U.S. Government to secure the release of other detained and imprisoned Americans. Yesterday the U.S. Consul General at Geneva met with a Chinese Communist representative to renew U.S. demands for release of these American citizens from their unwarranted detention. The Communist representative, however, reiterated the Communist position that no Americans are being unjustly detained.

This was the 11th in a series of meetings held at Geneva since last June on this subject. During this period 18 Americans who had been imprisoned or otherwise detained have left Communist China, including Dr. Malcolm Bersohn and Mrs. W. A. Rickett, who were released on the Hong Kong border on February 27.

Twenty-six American civilians, including John T. Downey and Richard G. Fecteau, remain in jail; three are under house arrest; and twelve others are still denied exit permits.

The Consul General also inquired specifically as to the welfare of a number of the detained Americans from whom no correspondence has been received although the Communists gave assurances in June 1954 that all detained Americans would be permitted to correspond with relatives. He requested that the Chinese Communist Red Cross expedite mail deliveries. He also sought assurances that imprisoned Americans who need medical attention or hospital care would receive it.

The Communist representative stated that those who were ill would receive medical care and attention. He promised to reply later to

¹ See Department of State *Bulletin*, Apr. 13, 1953, p. 546.

² *Ibid.*, Mar. 14, 1955, pp. 429-430.

³ See Secretary-General Hammarskjöld's report of Sept. 9, 1955; *infra*, pp. 2713-2714.

the Consul General's requests for information on the welfare of Americans who had not been heard from and stated that Red Cross channels were available for transmission of letters and small parcels, including food and medicines, from the families.

91. RESCINDING OF RESTRAINING ORDERS ON CHINESE STUDENTS IN THE UNITED STATES: Statement by the Department of State, April 2, 1955¹

The program of emergency aid to Chinese students and scholars is expected to terminate on June 30, 1955.² This, of course, does not affect the regular exchange program which is in effect between the United States and the Republic of China. No grants for tuition or maintenance under this emergency program can be continued or renewed after June 30, no requests for thesis or dissertation costs received after this date can be honored, and no requests for emergency medical expenses can be given consideration. Chinese students and scholars who desire to return to the Far East and who are eligible for travel grants to cover minimum expenses for transportation must be in actual travel status on or before June 30 in order to qualify for the grants. However, grantees wishing financial assistance for return travel prior to June 30 must present through their university representative substantial evidence to the Department of their need of financial aid for this purpose and of their definite arrangements for departure. All applicants for travel grants must present written permission from the Immigration and Naturalization Service to leave the country.

It has been brought to the attention of the Department of State that some Chinese students may refrain from applying to the Immigration and Naturalization Service for permission to depart from the United States for fear of being refused. This fear apparently is based on the fact that a number of technically trained Chinese students have in the past been refused permission to depart from the United States under section 215 (a) of the Immigration and Nationality Act of 1952.³ In this connection the Department wishes to point out that the cases of such students have been in process of reexamination. As a consequence, restraining orders were rescinded on March 31 by the Immigration and Naturalization Service in the cases of 76 of these students, who are now free to depart, and it is anticipated that action will shortly be completed by the Immigration and Naturalization Service on the few remaining cases.⁴

¹ Department of State *Bulletin*, Apr. 11, 1955, p. 627.

² This emergency aid program was established by an agreement between the Department of State and the Economic Cooperation Administration, Mar. 23, 1949, with funds allocated under the China Aid Act of 1948.

³ Act of June 27, 1952; 66 Stat. 163.

⁴ See statement of May 29, 1954, by the U.S. delegation to the Geneva Conference; Department of State *Bulletin*, June 21, 1954, pp. 949-950.

**92. CONTINUED NEGOTIATIONS AT THE CONSULAR LEVEL
FOR THE RELEASE OF UNITED STATES NATIONALS
DETAINED BY CHINESE COMMUNIST AUTHORITIES:
Statement by the Department of State, June 1, 1955¹**

As part of a series of talks that have been in progress ever since the Geneva Conference last summer, our Consul General at Geneva, Mr. Franklin C. Gowen, has just had another conversation with the Chinese Communists. On May 16 he requested a meeting with the Chinese Communist representative to take up again the question of the continuing detention and the welfare of American citizens in Communist China. The Chinese Communists agreed to meet with Mr. Gowen on May 30.

The meeting was held at the Hotel Beau Rivage at Geneva where the other meetings have also been held. At that time the Chinese Communist representative informed Mr. Gowen of the prospective release of the four Air Force men, who have been released, and a statement was volunteered that the purpose of their release was to relieve international tensions. Mr. Gowen reviewed the plight of the other Americans still held and he renewed his request for information that had been promised on all cases of Americans imprisoned or otherwise detained by the Chinese Communists. He presented revised lists of Americans, both military and civilians, held in Communist China, and he renewed demands for their release.

In the lists which Mr. Gowen presented, there were 53 names, as follows: 42 civilians, of whom 25 are imprisoned, four are under house arrest, and 13 have been refused exit visas; and 11 military admittedly being held by the Chinese Communists, as well as the 11 Navy and Coast Guard personnel whom the Red Chinese have specifically denied they hold.

With reference to cases of Chinese students in the United States, the Consul General pointed out that restrictions have been removed and that those students who have expressed a desire to return to their home in China are free to do so.² That has been known for some time. Nevertheless, the Consul General stressed it again.

The Chinese Communist representative stated that he would send a report of the meeting to his government, together with the revised lists of Americans held in China, and he said that the questions Mr. Gowen had raised would be examined and he would reply later. No date has been set for another meeting. Presumably that will await word now from the representative of Red China.

¹ Department of State *Bulletin*, June 13, 1955, pp. 953-954.

² See statement of Apr. 2, 1955, by the Department of State; *supra*.

93. NEGOTIATIONS AT THE AMBASSADORIAL LEVEL FOR THE RELEASE OF UNITED STATES NATIONALS: Joint Communiqué by Representatives of the United States and Communist China, July 25, 1955¹

As a result of communication between the United States and the People's Republic of China through the diplomatic channels of the United Kingdom, it has been agreed that the talks held in the last year between consular representatives of both sides at Geneva should be conducted on ambassadorial level in order to aid in settling the matter of repatriation of civilians who desire to return to their respective countries and to facilitate further discussions and settlement of certain other practical matters now at issue between both sides. The first meeting of ambassadorial representatives of both sides will take place on August 1, 1955 at Geneva.

94. AGREED MEASURES FOR THE RETURN OF UNITED STATES AND CHINESE CIVILIANS: Joint Statement by Representatives of the United States and Communist China, September 10, 1955²

The Ambassadors of the United States of America and the People's Republic of China have agreed to announce measures which their respective governments have adopted concerning the return of civilians to their respective countries.

With respect to Chinese in the United States, Ambassador U. Alexis Johnson, on behalf of the United States, has informed Ambassador Wang Ping-nan that:

1. The United States recognizes that Chinese in the United States who desire to return to the People's Republic of China are entitled to do so and declares that it has adopted and will further adopt appropriate measures so that they can expeditiously exercise their right to return.

2. The Government of the Republic of India will be invited to assist in the return to the People's Republic of China of those who desire to do so as follows:

A. If any Chinese in the United States believes that contrary to the declared policy of the United States he is encountering obstruction in departure, he may so inform the Embassy of the Republic of India in the United States and request it to make representations on his behalf to the United States Government. If desired by the

¹ Department of State *Bulletin*, Aug. 8, 1955, p. 219. See also statement of July 25, 1955, by the Department of State; *ibid.*

² *Ibid.*, Sept. 19, 1955, p. 456; see also statement by Ambassador Johnson, Sept. 10, 1955, and list of Americans released by the Communist authorities; *ibid.*, pp. 456-457.

People's Republic of China, the Government of the Republic of India may also investigate the facts in any such case.

B. If any Chinese in the United States who desires to return to the People's Republic of China has difficulty in paying his return expenses, the Government of the Republic of India may render him financial assistance needed to permit his return.

3. The United States Government will give wide publicity to the foregoing arrangements and the Embassy of the Republic of India in the United States may also do so.

With respect to Americans in the People's Republic of China, Ambassador Wang Ping-nan, on behalf of the People's Republic of China, has informed Ambassador U. Alexis Johnson that:

1. The People's Republic of China recognizes that Americans in the People's Republic of China who desire to return to the United States are entitled to do so, and declares that it has adopted and will further adopt appropriate measures so that they can expeditiously exercise their right to return.

2. The Government of the United Kingdom will be invited to assist in the return to the United States of those Americans who desire to do so as follows:

A. If any American in the People's Republic of China believes that contrary to the declared policy of the People's Republic of China he is encountering obstruction in departure, he may so inform the Office of the Chargé d'Affaires of the United Kingdom in the People's Republic of China and request it to make representations on his behalf to the Government of the People's Republic of China. If desired by the United States, the Government of the United Kingdom may also investigate the facts in any such case.

B. If any American in the People's Republic of China who desires to return to the United States has difficulty in paying his return expenses, the Government of the United Kingdom may render him financial assistance needed to permit his return.

3. The Government of the People's Republic of China will give wide publicity to the foregoing arrangements and the Office of the Chargé d'Affaires of the United Kingdom in the People's Republic of China may also do so.

5. FAILURE OF THE CHINESE COMMUNIST AUTHORITIES TO IMPLEMENT THE AGREEMENT OF SEPTEMBER 10, 1955: Statement by the Department of State, December 16, 1955¹

The Chinese Communists on December 15 issued a statement defending their continued detention of U.S. civilians in China. At the same time they accused the United States of not complying with the

¹ Department of State *Bulletin*, Dec. 26, 1955, pp. 1049-1050.

agreed announcement of September 10¹ regarding the repatriation of civilians to Communist China.

Because the Communist statement contains many errors, this statement is being made. The facts show that the United States has scrupulously complied with its agreement and that Chinese in the United States are now and have at all times since the announcement been free to leave.

Unfortunately the same is not true with respect to the Chinese Communist performance of its agreement to permit U.S. civilians to "expeditiously" return to the United States. Of the 19 U.S. citizens in Communist China who were being prevented from returning on September 10, the date of the Chinese Communist agreement, only 5 have been released.

U.S. Ambassador Johnson has repeatedly protested to Communist Ambassador Wang, in the Geneva talks, the failure of the Communists to permit U.S. citizens to leave China. He has also protested the cruel and inhuman treatment of those concerning whom facts are available.

The answer to these protests has been the public statement by the Communists charging that the United States has not permitted Chinese to leave the United States.

In the agreed announcement of September 10, the Chinese Communist Ambassador declared:

The People's Republic of China recognizes that Americans in the People's Republic of China who desire to return to the United States are entitled to do so, and declares that it has adopted and will further adopt appropriate measures so that they can expeditiously exercise their right to return.

This declaration is simple, clear, and positive. It says that any U.S. citizen has the right to leave China and that the Communists have taken or will take the necessary steps so that those who wish may leave "expeditiously." No distinction is made as between those in prison and those out of prison. All U.S. citizens who wish to leave should have been out of Communist China long before this. The continued holding of these U.S. citizens by the Communists is a violation of their agreed announcement, for which the United States must continue to protest.

As for the Communist charge that the United States is preventing Chinese from leaving the United States, it is sufficient to point out that not a single Chinese has been refused exit. If anyone knows of any Chinese who wishes to leave and who claims he is being prevented, he should communicate at once with the Department of State or the Indian Embassy at Washington, D. C., which the United States has agreed may render assistance. The Indian Embassy has made no representation that any Chinese is being prevented from leaving.

It is unfortunate that the Chinese Communists have seen fit to make a public announcement containing charges which are without foundation. This cannot conceal the fact that U.S. citizens continue

¹ *Supra.*

to be held in prison by the Communists in violation of their public announcement of September 10. It is to be hoped that these U.S. citizens will be permitted promptly to leave Communist prisons and return to their homes.

Ship and Plane Incidents in the China Area

96. COMMUNIST CHINESE ATTACKS ON FOREIGN SHIPS AND PLANES IN THE CHINA AREA: List (July 1950-June 1954) Released by the United States Mission at the United Nations, September 19, 1954¹

1950

July 20, 1950: British S.S. *Tak Shing* was fired on by Chinese Communist shore batteries in the vicinity of Lafsami, the ship's location possibly within 2 miles of Lafsami.

July 24, 1950: The Panamanian ship S.S. *Flying Dragon* was fired on by Chinese Communist shore batteries on Lafsami. The ship was hit.

August 2, 1950: An Air France plane was fired on by Chinese Communist A/A guns, Ladrone Island.

August 3, 1950: The 300-ton British freighter *Nambee* was fired on by Chinese Communist shore batteries on the Nam Shan Islands. There were no hits and no casualties.

August 6, 1950: The American ship S.S. *Steel Rover* was fired on by Chinese Communist shore batteries in the Lama Island group; the ship was just entering Hong Kong.

August 7, 1950: The British ship S.S. *Hand Sang* was fired on by Chinese Communist shore batteries in the Lama Islands; the ship was just outside Hong Kong waters; two British officers were slightly wounded.

August 8, 1950: The Norwegian ship S.S. *Pleasantville* was fired on by Chinese Communist shore batteries in the Lama Islands. The ship was just outside Hong Kong.

August 13, 1950: A Pacific Overseas Airways plane, under U.S. flag, was fired on by Chinese Communist machine guns from an island near Macao.

August 17, 1950: The British destroyer *Concord* was repeatedly shelled by Chinese Communist batteries on the Lama Islands, then by batteries on the Ling Ting Islands. One enlisted man was wounded.

September 16, 1950: The British ship S.S. *Sing Hing* was fired on by Chinese Communist shore batteries from the Lama Island group.

September 17, 1950: The British ship S.S. *Mahadevi* was fired on by Chinese Communist shore batteries in the Lama Island group.

¹ Department of State *Bulletin*, Oct. 4, 1954, pp. 505-507. The list was released to the press by the U.S. representative to the United Nations on Sept. 19, 1954.

October 7, 1950: The Danish S.S. *Emilie Maersk* was fired on by Chinese Communist shore batteries on the Lama Island group.

November 7, 1950: Portuguese sloop *Goncalo Velho* was fired on by Chinese Communist shore batteries on the Lafsami Islands. The ship was just outside Hong Kong waters on the regular Hong Kong-Macao route.

December 8, 1950: A Panamanian flagship was shelled by Chinese Communist shore batteries off Wu Yu Island, near Amoy. No damage, no casualties.

December 9, 1950: The British tug *Allegiance* was fired on by shore batteries at Putao (Pak Leak) Island, in the Wan Shan Island group. The tug was returning from the rescue of the Philippine S.S. *Joseph S.* The master and two crew members were slightly injured.

1951

February 13, 1951: The British-registered *Callex II*, a motor vessel, was shelled by Chinese Communist shore batteries on Ling Ting Island. The ship was outside Hong Kong waters. The British master and British chief officer were injured.

April 10, 1951: The British ship *Jade Leaf* on its way from Hong Kong to Chuen Chow was forced by weather conditions to anchor near Namao Island, off Swatow. The master did not know that the area was prohibited. The ship was fired on by Chinese Communist shore-battery machineguns. The ship was hit once and there were no casualties. Later, while entering Swatow, the ship was buzzed by unidentified planes.

April 16, 1951: Chinese Communist shore batteries on outer Ling Ting Islands fired on the British S. S. *Victoria Peak* causing some of the cargo to ignite.

May 3, 1951: The British tug, *Caroline Moller*, while towing barge, was fired on by Chinese Communist shore batteries on the Ling Ting islands.

June 3, 1951: The British S.S. *Edith Moller* was shelled by Chinese Communist armed junk and shore batteries near Hong Kong.

June 8, 1951: The Danish ship *Marieskou*, while going up the Pearl River estuary, was shelled by Chinese Communist island batteries.

August 12, 1951: Enroute Hong Kong to Chuanchow, the British S.S. *Jade Leaf* took shelter in Tang Sang harbor. The ship, being mistaken for Nationalist, was attacked by the Chinese Communists. The attack resulted in the killing of the boatswain.

September 2, 1951: Between Hong Kong and Macao, the British flag *Yu Men*, on the regular Hong Kong-Macao run, was fired on by a Chinese small craft.

November 26, 1951: A vessel off Swatow fired on a U.S. Navy plane.

1952

January 1952: The Asiatic Petroleum Company's oil lighter *BPM 88*, sailing under British flag, was intercepted and detained by the Chinese Communists, on the fringe of Hong Kong territorial waters.

September 25, 1952: On the regular Hong Kong-Macao route the British flag S.S. *Tak Shing* was fired on and detained by an armed Chinese Communist naval vessel. The *Tak Shing* was taken to Lafsami Island where two passengers were removed.

September 25, 1952: In answer to the distress call, the H.M.S. *Mounts Bay* and consort arrived to give escort to the *Tak Shing* to Hong Kong. While still in British territorial waters, 4 miles from Lafsami, Chinese Communist shore batteries fired on the *Mounts Bay*. The *Mounts Bay* returned fire and silenced the batteries.

October 13, 1952: While pursuing a suspected smuggling junk, a Hong Kong revenue launch in the vicinity of Ling Ting Island was fired on by a Chinese Communist shore battery.

November 2, 1952: A Chinese Communist armed junk took into custody two British seamen in a whale boat sailing around Hong Kong Island—about half way between Lama Island and the Ling Ting Islands. The men were taken to Canton, questioned intensively, and were returned to Hong Kong on March 19, 1953, having been detained for more than 4 months.

1953

January 18, 1953: Chinese Communist A/A fire off Swatow shot down U.S.N. *Neptune* plane. U.S.C.G. *Mariner* crashed taking off after rescue. U.S. destroyer fired on by shore batteries, later chased by hostile craft. Total casualties were eleven missing.

March 21, 1953: Chinese Communist gunboat seized U.S. yacht *Kert* about 5 miles west of Lantau Island, 6–7 miles north of Lafsami. The following Americans were taken into custody and not released until September 1954: Richard Applegate, Benjamin Krasner, and Donald Dixon. Three Chinese, who were with the Americans, have not been released.

April 30, 1953: A Chinese Communist gunboat attacked a British-registered motor junk in international waters near Soko Island and Sang Lau Point off the southwest tip of Lantau Island. After taking refuge in British waters, a Chinese Communist gunboat and four Communists in naval uniform pursued the junk and after some shooting took it. The Hong Kong Marine Department later rescued the crew.

May 25, 1953: As it was leaving Amoy, the British S.S. *Nigelock* received small arms fire from Communist-held Hu Hsu Island.

June 30, 1953: At Scrag Point Chinese Communist shore batteries fired on the S.S. *Hydralock* of British registry.

September 9, 1953: A Chinese Communist gunboat fired on Hong Kong *ML 1323* in disputed waters in the Pearl River estuary. Resulting casualties: 6 British navy crew members and one captain of the Royal Hong Kong defense force killed.

November 11, 1953: Chinese Communist shore batteries fired on S.S. *Inchulva*, under British flag, while entering Wenchow.

November 12, 1953: The S.S. *Inchulva* again attempted to enter Wenchow. It was again shelled with no damage.

1954

June 4, 1954: Chinese Communists took British forces yacht *Elinor* which, while on a pleasure cruise, entered Chinese Communist waters through navigational error. Two officers and 7 men aboard were detained till July 10.

97. PROTEST AGAINST ATTACK ON BRITISH CATHAY PACIFIC AIRLINER: Note From the United States Government to the Chinese Communist Authorities at Peiping, Transmitted by the British Chargé d'Affaires,¹ July 27, 1954²

[First Note]

The Government of the United States protests vigorously against the barbarous and lawless attack on July 23, 1954 at approximately 8:45 a.m. local time, against a British Cathay Pacific unarmed and defenceless commercial airliner and its passengers. This unwarranted unprovoked attack occurred over international waters about 30 miles south of Hainan Island. It resulted in the killing of three United States citizens, including two children of tender age, two and four years, and the wounding of three other United States citizens, including a child aged six. The Government of the United States demands appropriate punishment of all the persons having responsibility for this criminal attack as well as compensation for the victims and families of the deceased. The Government of the United States demands that measures be taken to guard against a repetition of such action and the British Government be informed of the nature of such measures.

98. PROTEST AGAINST ATTACK ON UNITED STATES AIRCRAFT IN RESCUE WORK ON THE BRITISH CATHAY PACIFIC AIRLINER: Note From the United States Government to the Chinese Communist Authorities at Peiping, Transmitted by the British Chargé d'Affaires, July 27, 1954³

[Second Note]

The United States Defence authorities have received an official report from the United States Naval authorities in the Pacific that on July 26 at approximately 10:05 a.m. local time two United States carrier-based aircraft while searching the area of attack on the Cathay Pacific Aircraft were attacked and fired on by two Chinese LA-9 aircraft. This incident occurred well over the international waters approximately 13 miles from Hainan. The United States pilots involved report that during this wanton and unprovoked attack a Chinese gunboat also opened fire on the United States aircraft which, as stated above, were engaged on a mission of mercy search in the vicinity for possible survivors of the incident of July 23. The Government of the United States protests most strongly against these attacks and demands that those responsible be adequately punished, that

¹ Humphrey Trevelyan.

² Department of State *Bulletin*, Aug. 9, 1954, pp. 196-197. Mr. Trevelyan had previously made an oral protest. The Communist authorities later returned the note to the British Embassy.

³ *Ibid.*, p. 197. The Communist authorities later returned the note to the British Embassy.

immediate effective steps be taken to ensure that there be no repetition of this deplorable attack and that the British Government be informed as to the nature of such measures. The Government of the United States reserves its right to present a claim for possible damage and injury after thorough investigation has been completed.

99. REJECTION OF SOVIET CHARGES OF UNITED STATES INTERFERENCE WITH THE SOVIET TANKER *TUAPSE*: Note From the American Embassy at Moscow to the Soviet Foreign Ministry, June 26, 1954 ¹

The United States Government refers to the Soviet Government's note of June 24 regarding interception of the Soviet tanker *Tuapse* by a war vessel of the destroyer type in Far Eastern waters.²

The United States Government rejects as completely without foundation the allegations made by the Soviet Government that Naval Forces of the United States have seized or otherwise interfered with the movement of the Soviet tanker in question.

100. RENEWED REJECTION OF SOVIET CHARGES: Note From the American Embassy at Moscow to the Soviet Foreign Ministry, July 4, 1954 ³

The United States Government refers to the Soviet Government's note of July 2 ⁴ with further reference to the Soviet tanker *Tuapse*.

The Soviet Government is well aware that the vessel in question was not seized by the naval forces of the United States and that it has not been detained by United States authorities. The United States Government therefore has nothing further to add to its note of June 26 ⁵ rejecting the unfounded charges of the Soviet Government in this matter.

101. DENIAL OF ANY RESPONSIBILITY IN THE CASE OF THE *TUAPSE* AND ITS CREW: Statement by the Department of State, August 8, 1955 ⁶

The Soviet Chargé d'Affaires presented an aide memoire ⁷ to the Under Secretary this afternoon concerning the case of the Soviet tanker *Tuapse*. The aide memoire expressed the satisfaction of the

¹ Department of State *Bulletin*, July 12, 1954, p. 51.

² *Ibid.*

³ *Ibid.*, July 26, 1954, p. 131.

⁴ *Ibid.*

⁵ *Supra.*

⁶ Department of State *Bulletin*, Aug. 22, 1955, p. 302.

⁷ Not printed.

Soviet Union that 29 members of the *Tuapse* crew have returned to the Soviet Union but stated that the Soviet Government was disturbed by the fact that 20 members of the crew were still being held and that the tanker itself had not been returned. The aide memoire said that the Soviet Government expects the United States Government to take the necessary measures for the return of the remaining members of the crew of the *Tuapse*. The aide memoire concluded by saying that the Soviet Government expects the Government of the United States of America will take appropriate steps toward the return to the Soviet Union of the tanker.

In commenting on the contents of the Soviet aide memoire, the Under Secretary stated to the Soviet Chargé that he wished to make very clear that the case of the *Tuapse* and its crew was one entirely within the jurisdiction of the Government of the Republic of China and that the United States Government had nothing whatever to do with it. So far as the cases of the men who have chosen not to return to the Soviet Union are concerned, the Under Secretary said he was not personally acquainted with the details in this regard. However, he noted to the Soviet Chargé that if the United States Government had any control over the matter, which it did not, the attitude of the United States Government would be that the men were perfectly free to make up their own mind as to where they wished to reside.

**102. DENIAL OF POLISH CHARGES OF UNITED STATES INTERFERENCE WITH THE POLISH TANKER *PRACA*:
Note From the American Embassy at Warsaw to the Polish Foreign Ministry, October 20, 1953¹**

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and on instructions of the United States Government has the honor to reply to the Ministry's note of October 12² with respect to the interception of the Polish flag tanker *Praca* by naval forces of the Chinese Government. The United States Government rejects categorically the false charges contained in the Ministry's note and wishes to make clear to the Polish Government that the United States Government had no connection with the detention of the *Praca*.

¹ Department of State *Bulletin*, Nov. 9, 1953, p. 640.

² *Ibid.*

103. DENIAL OF POLISH CHARGES OF UNITED STATES INTERFERENCE WITH THE POLISH FREIGHTER *GOTTWALD*: Statement by the Department of State, May 21, 1954¹

In a note of May 15² delivered to the American Embassy in Warsaw the Polish Government referred to a report that the Polish merchant ship *Gottwald* had been intercepted by naval forces of the Government of the Republic of China. As in the case of the Polish tanker *Praca*³ which was similarly intercepted in October 1953, the Polish Government sought to impose upon the U.S. Government responsibility for the action against the *Gottwald*. On May 20 this Government replied to the Polish note through our Embassy in Warsaw. The substantive portion of our note is as follows:

"The U.S. Government rejects as completely without foundation the allegations made by the Polish Government. The United States Government has had no connection whatever with this incident.

"Furthermore, as has been clearly stated before, and as the Polish Government must be well aware, propaganda charges involving the United States Government in the *Praca* case are also completely false."

104. DENIAL OF ANY RESPONSIBILITY IN CONNECTION WITH THE *PRACA* AND THE *GOTTWALD* AND THEIR CREWS: Note From the American Embassy at Warsaw to the Polish Foreign Ministry, December 8, 1954⁴

The Embassy of the United States presents [its] compliments to the Ministry of Foreign Affairs and refers to its note of November 20, 1954.⁵ The United States Government again rejects as without basis in fact the version contained in that note of the interception of the Polish-flag vessels *Praca* and *Gottwald*. The United States had no connection with this action or with the decision of so many crew members from these ships to seek asylum.

These vessels were intercepted by the naval forces of the Republic of China. If the Polish Government is genuinely interested in pursuing this matter in a practical way rather than in dispatching a series of notes purely for propaganda purposes, it could seek a solution of this issue with the Government of the Republic of China through diplomatic channels.

The note of the Polish Government refers to the presence in the area of the Island of Formosa of aircraft of the United States Navy. These United States aircraft operate in conjunction with the Seventh Fleet of the United States Navy, which has been ordered by the

¹ Department of State *Bulletin*, May 31, 1954, pp. 824-825.

² Not printed.

³ See American note of Oct. 20, 1953; *supra*.

⁴ Department of State *Bulletin*, Dec. 27, 1954, pp. 982-983. See also discussion of the Polish charges in the United Nations; *ibid.*, pp. 996-1003.

⁵ *Ibid.*, pp. 983-984.

President of the United States to patrol the waters around Formosa in order to prevent an attack on that island. The mission of the Seventh Fleet has been and will continue to be to contribute to the security of the Far East. The United States reaffirms its intention to devote its efforts to the maintenance of peace and stability in that area and hopes that other governments will contribute their efforts to the same end.

In discussing the decision of the officers and crew of the two vessels to seek asylum in the free world, the Polish Government's note reveals its concern that large numbers of Poles have fled from their homeland. Many of these people who have escaped from political and religious persecution in Poland, or have refused to return there, have sought asylum in the United States. The United States Government, true to its traditional policies of granting asylum to those suffering from oppression, has welcomed and will continue to welcome persons such as the Polish officers and seamen from the *Praca* and *Gottwald* who sought refuge in this country.

105. FINAL REJECTION OF POLISH ALLEGATION OF RESPONSIBILITY IN THE CASES OF THE *PRACA* AND THE *GOTTWALD*: Note From the American Embassy at Warsaw to the Polish Foreign Ministry, February 21, 1955¹

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and in accordance with instructions received from the United States Government has the honor to reply to the Ministry's note of February 12, 1955,² concerning the detention of two merchant vessels, the *Praca* and the *Gottwald*, by the navy of the Government of the Republic of China.

The United States Government has repeatedly and categorically rejected the Polish Government's false charges alleging United States responsibility in this matter. The United States Government once again rejects these charges and wishes it clearly understood that the United States considers inadmissible the Polish Government's attempt to determine the applicability of United States legislation to alleged United States conduct.

On December 17, 1954, by a vote of 44 to 5, the General Assembly of the United Nations rejected similar charges made against the United States by the Soviet Union.³ The United States Government is confident that that decision was an accurate reflection of world opinion in recognizing the true nature and purposes of such accusations as are contained in the present note of the Polish Government.

¹ Department of State *Bulletin*, Mar. 14, 1955, p. 430.

² *Ibid.*, pp. 430-432.

³ Res. 821 (IX); General Assembly, *Official Records, Ninth Session, Supplement No. 21* (A/2890), pp. 9-10. See also *Annual Report of the Secretary-General on the Work of the Organization, 1 July 1954-15 June 1955* (A/2911), pp. 15-16.

Part XV

KOREA

A. UNITED STATES MILITARY AND ECONOMIC ASSISTANCE PRIOR TO THE OUTBREAK OF THE KOREAN CONFLICT

1. REJECTION OF THE KOREAN AID BILL BY THE HOUSE OF REPRESENTATIVES: Statement by the President, January 21, 1950¹

I am releasing herewith a letter which I have received from the Secretary of State about the action of the House of Representatives in rejecting the Korean Aid Bill on Thursday² by a vote of 193-191. I entirely concur in the Secretary's views as to the seriousness of this action and the necessity for its speedy rectification. I shall take up this matter with Congressional leaders and urge upon them the need for immediate action, in order that important foreign-policy interests of this country may be properly safeguarded.

LETTER FROM THE SECRETARY OF STATE [January 20, 1950]

DEAR MR. PRESIDENT: The Department of State received with concern and dismay the report that the House of Representatives had rejected the Korea Aid Bill of 1949 by a vote of 193 to 191. This action, if not quickly repaired, will have the most far-reaching adverse effects upon our foreign policy, not only in Korea but in many other areas of the world. It has been fundamental to our policy that in those areas where a reasonable amount of American aid can make the difference between the maintenance of national independence and its collapse under totalitarian pressure, we should extend such aid within

¹ Department of State *Bulletin*, Feb. 6, 1950, p. 212. For the texts of documents dealing with Korea from 1945 to 1950, see *A Decade of American Foreign Policy*, pp. 669-684; *Korea's Independence* (Department of State publication 2933; 1947); and *Korea 1945-1948* (Department of State publication 3305; 1948). For a collection of documents covering the period 1943-1953, see *The United States and the Korean Problem* (S. Doc. No. 74, 83d Cong., 1st sess.).

² Jan. 19, 1950.

a prudent assessment of our capabilities. The American people understand this policy and have supported our extending aid in such circumstances; the success of such aid is a matter of public record.

The Republic of Korea owes its existence in large measure to the United States, which freed the country from Japanese control. The peoples of the Republic of Korea, the other peoples of Asia, and the members of the United Nations under whose observation a government of the Republic was freely elected, alike look to our conduct in Korea as a measure of the seriousness of our concern with the freedom and welfare of peoples maintaining their independence in the face of great obstacles. We have not only given the Republic of Korea independence; since then we have provided the economic, military, technical, and other assistance necessary to its continued existence. Of the current program of economic assistance we are extending to Korea, half was provided by the Congress during the previous session.¹ The withholding of the remainder would bring our efforts to an end in mid-course. It is our considered judgment that if our limited assistance is continued the Republic will have a good chance of survival as a free nation. Should such further aid be denied, that chance may well be lost and all our previous efforts perhaps prove to have been vain.

We are concerned not only about the consequences of this abrupt about-face in Korea, whose government and people have made valiant efforts to win their independence and establish free institutions under the most difficult circumstances, but we are also deeply concerned by the effect which would be created in other parts of the world where our encouragement is a major element in the struggle for freedom.

It is difficult for us to believe that the members of the House of Representatives who voted against this measure took sufficiently into account the serious implications of this action upon the position of the United States in the Far East. These implications were set forth in considerable detail in hearings before the committees of Congress by the Department of State, Department of Defense, and the Economic Cooperation Administration.²

In our judgment it would be disastrous for the foreign policy of the United States for us to consider this action by the House of Representatives as its last word on the matter.

¹ 63 Stat. 404-405, 485, and 739.

² *Hearings Before the Committee on Foreign Affairs, House of Representatives, 81st Congress, 1st Session, on H. R. 6330, June 8-23, 1949.* Hearings before the Senate Committee on Foreign Relations on Korean aid (S. 2319) were conducted in executive session, June 28-July 12, 1949. See S. Rept. No. 748, 81st Cong., 1st sess.

2. MUTUAL DEFENSE ASSISTANCE AGREEMENT BETWEEN THE UNITED STATES AND THE REPUBLIC OF KOREA, JANUARY 26, 1950¹

Preamble

The Governments of the United States and of the Republic of Korea:

Desiring to foster international peace and security, within the framework of the Charter of the United Nations, through measures which will further the ability of nations dedicated to the purposes and principles of the Charter to develop effective measures for self-defense in support of those purposes and principles; and without prejudice to continue[d] exertion of maximum efforts to obtain agreements to provide the United Nations with armed forces as provided by its Charter, and to obtain agreement among member nations upon universal regulation and reduction of armaments under adequate and dependable guarantee against violation;

Recognizing that measures to eliminate insecurity caused by fear of aggression will enhance the progress of economic development;

Considering that, in furtherance of these principles, the Government of the United States has enacted the Mutual Defense Assistance Act of 1949² providing for the furnishing of military assistance by the United States of America to the Republic of Korea; and

Desiring to set forth the understandings which govern the furnishing of assistance by the Government of the United States under the Mutual Defense Assistance Act of 1949, and the receipt of such assistance by the Republic of Korea;

Have agreed as follows:

ARTICLE I

1. Each Government, consistently with the principle that economic recovery is essential to international peace and security and must be given clear priority, will make or continue to make available to the other, and to other Governments, such equipment, materials, services, or other military assistance as the Government furnishing such assistance may authorize and in accordance with such terms and conditions as it may agree. The furnishing of any such assistance as may be authorized by either party hereto shall be consistent with the Charter of the United Nations. Such assistance as may be made available by the United States of America pursuant to this Agreement will be furnished under the provisions, and subject to all of the terms, conditions and termination provisions, of the Mutual Defense Assistance Act of 1949, and such other applicable United States laws as may hereafter come into effect. The two Governments will, from time to time, negotiate detailed arrangements necessary to carry out the provisions of this paragraph.

¹ TIAS 2019; 1 UST 137.

² Act of Oct. 6, 1949; *A Decade of American Foreign Policy*, pp. 1356-1364.

2. The Government of the Republic of Korea undertakes to make effective use of assistance received pursuant to paragraph 1 of this Article for the purposes for which such assistance was furnished, and that Government will not, without the prior consent of the Government of the United States, devote assistance so furnished to purposes other than those for which it was furnished.

3. The Government of the Republic of Korea undertakes not to transfer to any person not an officer or agent of such Government, or to any other nation, title to or possession of any equipment, materials, or services, pursuant to paragraph 1, without the prior consent of the Government of the United States.

ARTICLE II

In the event that Article VIII of the Economic Cooperation Agreement between the Government of the Republic of Korea and the Government of the United States, signed on December 10, 1948.¹ at Seoul, Korea, shall cease to be in force prior to the termination of this Agreement, the Government of the Republic of Korea will, for so long as this Agreement remains in force, facilitate the production and transfer to the Government of the United States, for such period of time, in such quantities and upon such terms and conditions as may be agreed upon, of raw and semi-processed materials required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, and which may be available in Korea. Arrangements for such transfers shall give due regard to reasonable requirements for domestic use and commercial export of Korea.

ARTICLE III

1. Each Government will take appropriate measures consistent with security to keep the public informed of operations under this Agreement.

2. Each Government will take such security measures as may be agreed between the two Governments in order to prevent the disclosure or compromise of classified military articles, services or information furnished by the other Government pursuant to this Agreement.

ARTICLE IV

The two Governments will, upon request of either of them, negotiate appropriate arrangements between them respecting responsibility for patent or similar claims based on the use of devices, processes, technological information or other forms of property protected by law in connection with equipment, materials or services furnished pursuant to this Agreement. In such negotiations, consideration shall be given to including an undertaking whereby each Government will assume the responsibility for all such claims of its nationals and such claims arising in its jurisdiction of nationals of any country not a party to this Agreement.

¹ TIAS 1908; 62 Stat., pt. 3, p. 3780.

ARTICLE V

The Government of the Republic of Korea will, except as otherwise agreed to, grant duty-free treatment and exemption from internal taxation upon importation or exportation of products, property, materials or equipment imported into its territory in connection with this Agreement.

ARTICLE VI

1. The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

2. The Government of the Republic of Korea will accord, to duly authorized United States representatives, facilities freely and fully to observe the utilization of assistance furnished pursuant to this Agreement.

ARTICLE VII

The two Governments recognize their mutual interest, consistent with mutual security and recovery objectives, in effective controls over the export of war-potential materials, equipment, and, in so far as practicable, technical data; and the two Governments will consult with a view to taking measures for the accomplishment of these ends.

ARTICLE VIII

1. This Agreement shall enter into force upon signature and will continue in force until three months after the receipt by either party of written notice of the intention of the other party to terminate it. This Agreement shall be submitted to the Korean National Assembly for ratification.

2. This Agreement shall be registered with the Secretary General of the United Nations in compliance with the provisions of Article 102 of the Charter of the United Nations.

Done in duplicate, in the English and Korean languages, at Seoul, Korea, on this 26th day of January 1950. The English and Korean texts shall have equal force, but in case of divergence, the English text shall prevail.

IN WITNESS WHEREOF, the respective representatives, duly authorized for the purpose, have signed the present Agreement.

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3. ECONOMIC ASSISTANCE TO THE REPUBLIC OF KOREA: The Far Eastern Economic Assistance Act of 1950, February 14, 1950¹

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Far Eastern Economic Assistance Act of 1950".

SEC. 2. To enable the President until June 30, 1950, to obligate funds heretofore appropriated for assistance in certain areas of China, section 12 of Public Law 47, Eighty-first Congress,² is amended by striking out "February 15, 1950" and inserting in lieu thereof "June 30, 1950".

SEC. 3. (a) The Administrator for Economic Cooperation is hereby authorized to furnish assistance to the Republic of Korea in conformity with—

(1) the provisions of the Economic Cooperation Act of 1948, as amended,³ wherever such provisions are applicable and not inconsistent with the intent and purposes of this section 3; and

(2) the agreement on aid between the United States of America and the Republic of Korea signed December 10, 1948,⁴ or any supplementary or succeeding agreement which shall not substantially alter the basic obligations of either party.

(b) Notwithstanding the provisions of any other law, the Administrator shall immediately terminate aid under this section in the event of the formation in the Republic of Korea of a coalition government which includes one or more members of the Communist Party or of the party now in control of the government of northern Korea.

(c) Notwithstanding the provisions of any other law, the Administrator is authorized to make available to the Republic of Korea merchant vessels of tonnage not in excess of two thousand five hundred gross tons each, in a number not to exceed ten at any one time, with a stipulation that such vessels shall be operated only in east Asian waters and must be returned forthwith upon demand of the Administrator and in any event not later than June 30, 1951. Any agency of the United States Government owning or operating any such vessel is authorized to make such vessel available to the Administrator for the purposes of this section upon his application, notwithstanding the provisions of any other law and without reimbursement by the Administrator, and title to any such vessel so supplied shall remain in the United States Government.

(d) In order to carry out the provisions of this section 3, there is hereby authorized to be appropriated to the President, in addition to

¹ PL 447, 81st Cong., 2d sess. (64 Stat. 5-6; Department of State *Bulletin*, Mar. 13, 1950, p. 405).

² *A Decade of American Foreign Policy*, pp. 1322-1327.

³ *Ibid.*, pp. 1299-1321. For other amendments prior to Feb. 14, 1950, see 62 and 63 Stat., *passim*.

⁴ TIAS 1908; 62 Stat., pt. 3, p. 3780.

funds already appropriated, not to exceed \$60,000,000 for the fiscal year ending June 30, 1950.

(e) Notwithstanding the provisions of any other law, until such time as an appropriation shall be made pursuant to subsection (d) of this section, the Reconstruction Finance Corporation is authorized and directed to make advances not to exceed in the aggregate \$30,000,000 to carry out the provisions of this section, in such manner, at such times, and in such amounts as the Administrator shall request, and no interest shall be charged on advances made by the Treasury to the Reconstruction Finance Corporation for this purpose. The Reconstruction Finance Corporation shall be repaid without interest on advances made by it hereunder, from funds made available for the purposes of this section 3.

Sec. 4. The authorization for appropriations in this Act is limited to the period ending June 30, 1950, in order that any subsequent authorizations may be separately passed on, and is not to be construed as an express or implied commitment to provide further authorizations for appropriations.

EXTENSION OF THE ECONOMIC ASSISTANCE PROGRAM FOR THE REPUBLIC OF KOREA: Statement by the Secretary of State, March 7, 1950¹

I appreciate the invitation to appear before your Committee with Mr. Hoffman to explain to you briefly why I feel the continuation of the Korean economic recovery program for a second year is of great importance to the success of American foreign policy. I shall indeed be brief because I know that, although I myself was not present, this matter was fully discussed with you by Mr. Webb and Mr. Hoffman² only a few months ago. In addition, I have referred to the importance of our Korean program in discussions we have had during the present session.

I believe the main questions we have to consider are: (1) the importance of the proposed continuation of the economic recovery program to the success of our over-all policy toward Korea and (2) the part which our Korean policy plays in United States policy for the Far East.

First as to Korea: You will recall that the United States has taken the leadership among the nations to attain the realization of our fundamental declaration made at Cairo in 1943 with the United Kingdom and China (and later joined by the U. S. S. R.) "that in

¹ Made before the Senate Foreign Relations Committee; Department of State Bulletin, Mar. 20, 1950, pp. 454-455.

² The Under Secretary of State, James C. Webb, and the Administrator of the Economic Cooperation Administration, Paul G. Hoffman, testified in executive session before the Senate Committee on Foreign Relations on June 28, 1949; Rept. No. 748, 81st Cong., 1st sess., p. 1.

due course Korea should become free and independent."¹ When our own efforts to persuade the U. S. S. R. to join in holding free elections to establish a united country were unsuccessful, we referred the matter to the United Nations.² The General Assembly has used and is using its best efforts to bring about the accomplishment of this end, desired by all the Korean people.³ The success of its efforts has, thus far, been limited to assisting in the establishment of a free government, the Republic of Korea, in what was formerly the area of United States occupation.⁴

Upon the establishment of the Republic, the United States undertook to assist it to survive and develop as a democratic, representative government. To do this, the United States is providing the Republic with political support. Through our information and educational programs, we are seeking to help the Republic develop a sound educational system founded on principles of representative democracy. At the request of the Republic, we are maintaining there a Military Advisory Group to assist in training Korean security forces and to insure the efficient employment of United States military assistance by those forces. Supplementing the prior transfer of military equipment under the Surplus Property Act,⁵ the Congress has authorized under the Mutual Defense Assistance Act the extension of military aid to Korea.⁶ And the Congress has recently authorized the Economic Cooperation Administration to undertake a program intended to bring the economy of the Republic as nearly as possible to a self-supporting basis. In doing so the Congress authorized the expenditure in the fiscal year 1950 of the total sum of 120 million dollars.⁷

By means of these and related measures, the United States hopes to achieve the objective of strengthening the Republic of Korea to the point where it can (1) successfully withstand the threat of expanding Communist influence and control arising out of the existence in north Korea of an aggressive Soviet-dominated Communist regime and (2) serve as a nucleus for the eventual peaceful unification of the entire country on a democratic basis.

The testimony presented to your Committee by Mr. Hoffman, Mr. Webb, and other witnesses at the time of hearings on the bill authorizing the program for fiscal year 1950 indicated very plainly that the

¹ Declaration of Dec. 1, 1943; *A Decade of American Foreign Policy*, p. 22. The Soviet Union adhered to the Cairo Declaration by adhering to the Potsdam Declaration of July 26, 1945, in its declaration of war against Japan, Aug. 8, 1945; see *Documents on American Foreign Relations, 1945-1946* (Princeton, 1948), pp. 848-849.

² See *Korea's Independence* (Department of State publication 2933; 1947).

³ See General Assembly Resolutions 112 (II) of Nov. 14, 1947 (*A Decade of American Foreign Policy*, pp. 677-678); 195 (III) of Dec. 12, 1948 (U. N. General Assembly, *Official Records, Third Session, Part I, Resolutions* (A/810), pp. 25-27); and 293 (IV) of Oct. 21, 1949 (*A Decade of American Foreign Policy*, pp. 682-684).

⁴ The independence of the Republic of Korea was provided for, in part, in General Assembly Res. 112 (II) of Nov. 14, 1947 (*A Decade of American Foreign Policy*, pp. 677-678) and was proclaimed, Aug. 15, 1948.

⁵ Act of Oct. 3, 1944; 58 Stat. 765.

⁶ Mutual Defense Assistance Act of 1949, Oct. 6, 1949, and Second Supplementary Appropriation Act, 1950; 63 Stat. 716, 975.

⁷ Third Deficiency Appropriation Act, 1949, Oct. 10, 1949; 63 Stat. 739.

authority requested was to carry out the first year of a planned 3-year program intended to help Korea make substantial progress toward a self-supporting economy. The program for which authority is now requested for fiscal year 1951 is the second year of this 3-year program. Since Mr. Hoffman will go into the economics of the program with you, I will not attempt to do so beyond saying that the Department of State has participated in the preparation of the program which he will outline and supports it fully.

Second, as to the place of this proposal in our over-all Far Eastern policy, I have said that the United States is taking the leadership among the nations in helping the people of Korea attain the goal of a united independent nation, free from foreign domination. As a result of this initiative, the United States today is looked to not only by the people of Korea but by the peoples of the Far East and, in fact, by the people of democratic nations everywhere as the leader in the struggle for the survival of a Korean Republic, both for itself and as a possible nucleus for the eventual peaceful unification of that country.

Broadly speaking, the United States foreign policy in the Far East is directed toward encouraging and assisting the efforts of the peoples of that area to improve their welfare and security, to stabilize and develop their economies, to strengthen free institutions, and to advance the cause of self-government free from outside domination. Korea is one place in which the United States can continue to take well-defined positive steps to help a free democratic country to survive in the face of efforts of communism to engulf it. Hundreds of millions of people of Southern and Southeastern Asia and the islands of the Pacific are now in a period where they must choose between the roads toward democracy or totalitarianism. As the President said in his message to the Congress on Korean aid in June of last year:

Korea has become a testing ground in which the validity and practical value of the ideals and principles of democracy which the Republic is putting into practice are being matched against the practices of communism which have been imposed upon the people of north Korea. The survival and progress of the Republic toward a self-supporting, stable economy will have an immense and far-reaching influence on the people of Asia. Such progress by the young Republic will encourage the people of southern and southeastern Asia and the islands of the Pacific to resist and reject the Communist propaganda with which they are besieged. Moreover, the Korean Republic, by demonstrating the success and tenacity of democracy in resisting communism, will stand as a beacon to the people of northern Asia in resisting the control of the Communist forces which have overrun them.¹

The people of Asia, as well as the people of Korea, have been able to see the way in which economic assistance from the United States has contributed already to the ability of the Korean people to move toward economic independence. The Economic Assistance Program has increased agricultural production and the well-being of the large farming population of Korea. It has given food to the families of the industrial workers and, by increasing production, has brought about mounting employment. It has made possible a small surplus for export as a source of foreign exchange with which necessities may

¹ Message of June 7, 1949; H. Doc. No. 212, 81st Cong., 1st sess.

be imported. This progress, together with the rehabilitation of factories, mines, and fishing facilities important to the Korean economy, has helped to give them faith in their form of government, strength to resist the constant pressures of communism, and confidence in their future.

There is one further and fundamental question which must be considered: That is the probability of ultimate success of the effort of the Korean Republic to survive. In recent debates, a number of Members of the Congress have indicated their feeling that the possibility of failure makes them doubt the wisdom of the United States giving a helping hand in this effort. It is my belief that American policy should be based on determination to succeed rather than on fear of the possibility of failure. Despite the problems with which the Republic of Korea is beset, both internally and externally, and despite its necessarily limited experience in self-government and paucity of technical and administrative know-how, conditions of stability and public order have continued to improve and the threat of Communist overthrow appears at least temporarily to have been contained.

There is good reason to hope from progress made thus far that with our assistance, the Republic of Korea can survive and thrive. This cannot, of course, be guaranteed. However, it continues to be true that without our assistance there can be no such hope.

B. INITIAL PHASE OF THE KOREAN CONFLICT, JUNE-OCTOBER 1950

5. ANNOUNCEMENT OF THE NORTH KOREAN ATTACK: Telegram From the American Ambassador at Seoul¹ to the Secretary of State, June 25, 1950²

According to Korean Army reports which are partly confirmed by Korean Military Advisory Group field adviser reports, North Korean forces invaded Republic of Korea territory at several points this morning. Action was initiated about 4 a.m. Ongjin was blasted by North Korean artillery fire. About 6 a.m. North Korean infantry commenced crossing the [38th] parallel in the Ongjin area, Kaesong area, and Chunchon area, and an amphibious landing was reportedly made south of Kangnung on the east coast. Kaesong was reportedly

¹ John J. Muccio.

² *United States Policy in the Korean Crisis* (Department of State publication 3922; 1950), p. 11. The telegram was received in the Department of State on June 24, marking the difference between Korean and Washington time.

On May 2, 1951, the United Nations Command released two captured documents setting forth detailed North Korean preinvasion plans for attack on the Republic of Korea; Security Council, *Official Records, Supplement for 1 April through 30 June, 1951* (S/2112), pp. 88-94.

captured at 9 a.m., with some ten North Korean tanks participating in the operation. North Korean forces, spearheaded by tanks, are reportedly closing in on Chunchon. Details of the fighting in the Kangnung area are unclear, although it seems that North Korean forces have cut the highway. I am conferring with Korean Military Advisory Group advisers and Korean officials this morning concerning the situation.

It would appear from the nature of the attack and the manner in which it was launched that it constitutes an all-out offensive against the Republic of Korea.

6. REQUEST FOR SECURITY COUNCIL CONSIDERATION OF THE NORTH KOREAN AGGRESSION: Letter From the Deputy Representative of the United States at the United Nations¹ to the U.N. Secretary-General, June 25, 1950²

DEAR MR. SECRETARY-GENERAL: I have the honour to transmit herewith the text of the message which I read to you on the telephone at three o'clock this morning, June 25, 1950.

Will you be good enough to bring the message to the immediate attention of the President of the United Nations Security Council.

Faithfully yours,

[Enclosure]

The American Ambassador to the Republic of Korea³ has informed the Department of State that North Korean forces invaded the territory of the Republic of Korea at several points in the early morning hours of June 25 (Korean time).⁴

Pyongyang Radio under the control of the North Korean regime, it is reported, has broadcast a declaration of war against the Republic of Korea effective 9 p.m. e.d.t. June 24.

An attack of the forces of the North Korean regime under the circumstances referred to above constitutes a breach of the peace and an act of aggression.

Upon the urgent request of my Government, I ask you to call an immediate meeting of the Security Council of the United Nations.

7. CONFIRMATION OF THE NORTH KOREAN AGGRESSION: Telegram From the United Nations Commission at Seoul to the U.N. Secretary-General, June 25, 1950⁵

Government of Republic of Korea states that about 04:00 hrs. 25 June attacks were launched in strength by North Korean forces all along the 38th parallel. Major points of attack have included

¹ Ernest A. Gross.

² *United States Policy in the Korean Crisis* (Department of State publication 3922; 1950), pp. 11-12.

³ John J. Muccio.

⁴ See *supra*.

⁵ *United States Policy in the Korean Crisis* (Department of State publication 3922; 1950), p. 12.

Ongjin Peninsula, Kaesong area and Chunchon and east coast where seaborne landings have been reported north and south of Kangnung. Another seaborne landing reported imminent under air cover in Pohang area on southeast coast. The latest attacks have occurred along the parallel directly north of Seoul along shortest avenue of approach. Pyongyang radio allegation at 13:35 hrs. of South Korean invasion across parallel during night declared entirely false by President and Foreign Minister in course of conference with Commission members and principal secretary. Allegations also stated Peoples Army instructed repulse invading forces by decisive counterattack and placed responsibility for consequences on South Korea. Briefing on situation by President included statement thirty-six tanks and armoured cars used in northern attacks at four points. Following emergency Cabinet meeting Foreign Minister issuing broadcast to people of South Korea encouraging resistance against dastardly attack. President expressed complete willingness for Commission broadcast urging cease-fire and for communication to United Nations to inform of gravity of situation. Although North Korean declaration of war rumoured at 11:00 hrs. over Pyongyang radio, no confirmation available from any source. President not treating broadcast as official notice. United States Ambassador, appearing before Commission, stated his expectation Republican Army would give good account of itself.

At 17:15 hrs. four yak-type aircraft strafed civilian and military air fields outside Seoul destroying planes, firing gas tanks and attacking jeeps. Yongdungpo railroad station on outskirts also strafed.

Commission wishes to draw attention of Secretary-General to serious situation developing which is assuming character of full-scale war and may endanger the maintenance of international peace and security. It suggests that he consider possibility of bringing matter to notice of Security Council. Commission will communicate more fully considered recommendation later.

8. CALL FOR NORTH KOREAN WITHDRAWAL: Resolution of the United Nations Security Council, June 25, 1950¹

The Security Council

Recalling the finding of the General Assembly in its resolution of 21 October 1949² that the Government of the Republic of Korea is a lawfully established government having effective control and jurisdiction over that part of Korea where the United Nations Temporary Commission on Korea was able to observe and consult and in which the great majority of the people of Korea reside; and that this Government is based on elections which were a valid expression of the free will of the electorate of that part of Korea and which were observed

¹ U.N. doc. S/INF/4, Feb. 1, 1951, pp. 5-6.

² Res. 293 (IV); *A Decade of American Foreign Policy*, pp. 682-684.

by the Temporary Commission; and that this is the only such government in Korea;

Mindful of the concern expressed by the General Assembly in its resolutions of 12 December 1948¹ and 21 October 1949 of the consequences which might follow unless Member States refrained from acts derogatory to the results sought to be achieved by the United Nations in bringing about the complete independence and unity of Korea; and the concern expressed that the situation described by the United Nations Commission on Korea in its report² menaces the safety and well being of the Republic of Korea and of the people of Korea and might lead to open military conflict there;

Noting with grave concern the armed attack on the Republic of Korea by forces from North Korea,

Determines that this action constitutes a breach of the peace,

I. *Calls* for the immediate cessation of hostilities; and

Calls upon the authorities in North Korea to withdraw forthwith their armed forces to the 38th parallel;

II. *Requests* the United Nations Commission on Korea

(a) To communicate its fully considered recommendations on the situation with the least possible delay.

(b) To observe the withdrawal of North Korean forces to the 38th parallel, and

(c) To keep the Security Council informed on the execution of this resolution;

III. *Calls upon* all Members to render every assistance to the United Nations in the execution of this resolution and to refrain from giving assistance to the North Korean authorities.

9. INITIAL MEASURES TAKEN BY THE UNITED STATES IN THE KOREAN CRISIS: Statement by the President, June 27, 1950³

In Korea, the Government forces, which were armed to prevent border raids and to preserve internal security, were attacked by invading forces from North Korea. The Security Council of the United Nations called upon the invading troops to cease hostilities and to withdraw to the 38th Parallel.⁴ This they have not done but, on the contrary, have pressed the attack. The Security Council called upon all members of the United Nations to render every assistance to the United Nations in the execution of this resolution. In these circumstances, I have ordered United States air and sea forces to give the Korean Government troops cover and support.

¹ Res. 195 (III); U.N. General Assembly, *Official Records, Third Session, Part I, Resolutions* (A/810), pp. 25-27.

² *Supra*.

³ Department of State *Bulletin*, July 3, 1950, p. 5.

⁴ Resolution of June 25, 1950; *supra*.

The attack upon Korea makes it plain beyond all doubt that communism has passed beyond the use of subversion to conquer independent nations and will now use armed invasion and war. It has defied the orders of the Security Council of the United Nations issued to preserve international peace and security. In these circumstances, the occupation of Formosa by Communist forces would be a direct threat to the security of the Pacific area and to United States forces performing their lawful and necessary functions in that area.

Accordingly, I have ordered the Seventh Fleet to prevent any attack on Formosa. As a corollary of this action, I am calling upon the Chinese Government on Formosa to cease all air and sea operations against the mainland. The Seventh Fleet will see that this is done.¹ The determination of the future status of Formosa must await the restoration of security in the Pacific, a peace settlement with Japan, or consideration by the United Nations.

I have also directed that United States forces in the Philippines be strengthened and that military assistance to the Philippine Government be accelerated.

I have similarly directed acceleration in the furnishing of military assistance to the forces of France and the Associated States in Indochina and the dispatch of a military mission to provide close working relations with those forces.

I know that all members of the United Nations will consider carefully the consequences of this latest aggression in Korea in defiance of the Charter of the United Nations. A return to the rule of force in international affairs would have far-reaching effects. The United States will continue to uphold the rule of law.

I have instructed Ambassador Austin, as the representative of the United States to the Security Council, to report these steps to the Council.

10. CALL FOR UNITED NATIONS ASSISTANCE TO THE REPUBLIC OF KOREA: Resolution of the United Nations Security Council, June 27, 1950²

The Security Council

Having determined that the armed attack upon the Republic of Korea by forces from North Korea constitutes a breach of the peace;

Having called for an immediate cessation of hostilities; and

Having called upon the authorities of North Korea to withdraw forthwith their armed forces to the 38th parallel; and

Having noted from the report of the United Nations Commission for Korea³ that the authorities in North Korea have neither ceased hostilities nor withdrawn their armed forces to the 38th parallel, and that

¹ For subsequent modification of this order, see President Eisenhower's message to Congress, Feb. 2, 1953; *supra*, p. 2475.

² U.N. doc. S/INF/4, Feb. 1, 1951, p. 6.

³ Report of June 26, 1950; *United States Policy in the Korean Crisis* (Department of State publication 3922; 1950), p. 21.

urgent military measures are required to restore international peace and security; and

Having noted the appeal from the Republic of Korea to the United Nations for immediate and effective steps to secure peace and security,¹

Recommends that the Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area.

11. ADDITIONAL UNITED STATES MEASURES IN SUPPORT OF THE REPUBLIC OF KOREA: Statement Released by the White House, June 30, 1950²

At a meeting with Congressional leaders at the White House this morning, the President, together with the Secretary of Defense, the Secretary of State, and the Joint Chiefs of Staff, reviewed the latest developments of the situation in Korea.

The Congressional leaders were given a full review of the intensified military activities.

In keeping with the United Nations Security Council's request for support to the Republic of Korea³ in repelling the North Korean invaders and restoring peace in Korea, the President announced that he had authorized the United States Air Force to conduct missions on specific military targets in Northern Korea, wherever militarily necessary, and had ordered a naval blockade of the entire Korean coast.

General MacArthur has been authorized to use certain supporting ground units.

12. OFFER OF GROUND FORCES BY THE REPUBLIC OF CHINA FOR SERVICE IN KOREA: Note From the Secretary of State to the Chinese Ambassador at Washington,⁴ July 1, 1950⁵

In response to the request contained in the Chinese Embassy's Aide-Mémoire of June 29, 1950,⁶ the appropriate authorities of the Government of the United States have given consideration to the expression of willingness on the part of the Government of the Republic of China to furnish ground forces for service in Korea in support of the United Nations.

The Secretary of State desires to inform His Excellency the Ambassador of the Republic of China of the deep appreciation of the United States Government for this prompt and substantial demonstration of

¹ Message of June 26, 1950, from the Korean National Assembly; *ibid.*, p. 17.

² Department of State *Bulletin*, July 10, 1950, p. 46.

³ Resolution of June 27, 1950; *supra*.

⁴ Dr. Wellington Koo.

⁵ Department of State *Bulletin*, July 10, 1950, p. 47.

⁶ *Ibid.* The Chinese aide-mémoire of June 30, 1950, offered 33,000 men.

support for the United Nations on the part of the Government of the Republic of China. In light, however, of the threat of invasion of Taiwan by Communist forces from the mainland, a threat repeated in the last day or so by spokesmen for the Chinese Communist regime in Peiping, it is the view of the Government of the United States of America that it would be desirable for representatives of General MacArthur's Headquarters to hold discussions with the Chinese military authorities on Taiwan concerning the plans for the defense of the island against invasion prior to any final decision on the wisdom of reducing the defense forces on Taiwan by transfer of troops to Korea. It is understood that General MacArthur's Headquarters will be in communication with the appropriate Chinese military authorities on Taiwan with a view to the dispatch from Tokyo of representatives of General MacArthur's Headquarters for this purpose.

13. CONSTITUTIONAL AUTHORITY FOR USE OF UNITED STATES FORCES IN KOREA: Memorandum by the Department of State, July 3, 1950 (Excerpts) ¹

This memorandum is directed to the authority of the President to order the Armed Forces of the United States to repel the aggressive attack on the Republic of Korea.

As explained by Secretary Acheson to the press on June 28, as soon as word of the attack on Korea was received in Washington, it was the view of the President and of all his advisers that the first responsibility of the Government of the United States was to report the attack to the United Nations.²

Accordingly, in the middle of the night of Saturday, June 24, 1950, Ambassador Gross, the United States deputy representative at the Security Council of the United Nations, notified Mr. Trygve Lie, the Secretary-General of the United Nations, that armed forces from North Korea had commenced an unprovoked assault against the territory of the Republic of Korea.

3

The President, as Commander in Chief of the Armed Forces of the United States, has full control over the use thereof. He also has authority to conduct the foreign relations of the United States. Since the beginning of United States history, he has, upon numerous

¹ Department of State *Bulletin*, July 31, 1950, pp. 173-177. Ellipses indicated in quotations herein were so indicated in the original memorandum. For further discussion of this subject, see *Background Information on the Use of United States Armed Forces in Foreign Countries* (H. Rept. No. 127, 82d Cong., 1st sess.)

² See the Department of State *Bulletin*, July 3, 1950, p. 6.

³ For the five paragraphs which were omitted at this point in the Department of State *Bulletin* print of the memorandum, and which summarized pertinent developments of June 25-28, 1950, see *Background Information on Korea* (H. Rept. No. 2495, 81st Cong., 2d sess.), pp. 61-62.

occasions, utilized these powers in sending armed forces abroad. The preservation of the United Nations for the maintenance of peace is a cardinal interest of the United States. Both traditional international law and article 39 of the United Nations Charter¹ and the resolution pursuant thereto² authorize the United States to repel the armed aggression against the Republic of Korea.

The President's control over the Armed Forces of the United States is based on article 2, section 2 of the Constitution which provides that he "shall be Commander in Chief of the Army and Navy of the United States."

In *United States v. Sweeney*, the Supreme Court said that the object of this provision was "evidently to vest in the President the supreme command over all the military forces—such supreme and undivided command as would be necessary to the prosecution of a successful war."³

That the President's power to send the Armed Forces outside the country is not dependent on Congressional authority has been repeatedly emphasized by numerous writers.

For example, ex-President William Howard Taft wrote:

The President is made Commander in Chief of the Army and Navy by the Constitution evidently for the purpose of enabling him to defend the country against invasion, to suppress insurrection and to take care that the laws be faithfully executed. If Congress were to attempt to prevent his use of the Army for any of these purposes, the action would be void. . . . Again, in the carrying on of war as Commander in Chief, it is he who is to determine the movements of the Army and of the Navy. Congress could not take away from him that discretion and place it beyond his control in any of his subordinates, nor could they themselves, as the people of Athens attempted to carry on campaigns by votes in the market-place.⁴

Professor Willoughby writes:

As to his constitutional power to send United States forces outside the country in time of peace when this is deemed by him necessary or expedient as a means of preserving or advancing the foreign interests or relations of the United States, there would seem to be equally little doubt, although it has been contended by some that the exercise of this discretion can be limited by congressional statute. That Congress has this right to limit or to forbid the sending of United States forces outside of the country in time of peace has been asserted by so eminent an authority as ex-Secretary Root. It would seem to [the] author, however, that the President, under his powers as Commander in Chief of the Army and Navy, and his general control of the foreign relations of the United States, has this discretionary right constitutionally vested in him, and, therefore, not subject to congressional control. Especially, since the argument of the court in *Myers v. United States* with reference to the general character of the executive power vested in the President, and, apparently, the authority impliedly vested in him by reason of his obligation to take care that the laws be faithfully executed, it is reasonable to predict that, should the question be presented to it, the Supreme

¹ *Supra*, p. 144.

² U.N. Security Council Resolution of June 27, 1950; *supra*, doc. 10.

³ 157 U. S. (1895) 281, 284. [This citation, and most of those which follow, appeared in the original memorandum (in the main text, however, rather than as footnotes). They are reproduced here as footnotes from the Department of State *Bulletin* print of the memorandum.]

⁴ *Our Chief Magistrate and His Powers*, 1916, pp. 128-129. [Citation in the original memorandum.]

Court will so hold. Of course, if this sending is in pursuance of express provisions of a treaty, or for the execution of treaty provisions, the sending could not reasonably be subject to constitutional objection.¹

In an address delivered before the American Bar Association in 1917 on the war powers under the Constitution, Mr. Hughes stated that "There is no limitation upon the authority of Congress to create an army and it is for the President as Commander-in-Chief to direct the campaigns of that Army wherever he may think they should be carried on." He referred to a statement by Chief Justice Taney in *Fleming v. Page* (9 How. 615) in which the Chief Justice said that as Commander in Chief the President "is authorized to direct the movements of the naval and military forces placed by law at his command."²

At the time the approval of the Treaty of Versailles was under consideration in the Senate, there was under discussion a reservation to article 10, presented by Senator Lodge, to the effect that "Congress . . . under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States." Senator Walsh of Montana stated in debate on November 10, 1919 that the statement was a recital of "What is asserted to be a principle of constitutional law." He said that if—

. . . any declaration of that character should ever be made by the Senate of the United States, it would be singularly unfortunate. It is not true. It is not sound. It is fraught with the most momentous consequences, and may involve disasters the extent of which it is hardly possible to conceive.

The whole course of our history has been a refutation of such a declaration, namely, that the President of the United States, the Chief Executive of the United States, the Commander in Chief of the Army of the United States, has no power to employ the land or naval forces without any express authorization upon the part of Congress. Since the beginning of our Government, our Navy has been sent over the seven seas and to every port in the world. Was there ever any congressional act authorizing the President to do anything of that kind?

He stated that our Navy travels the sea "in order to safeguard and protect the rights of American citizens in foreign lands. Who can doubt that the President has no [*sic*] authority thus to utilize the naval and land forces of the United States?"

Mr. Borah stated:

I agree fully with the legal or constitutional proposition which the Senator states, and I hope this [reservation]³ will be stricken out. It is an act of super-erogation to put it in. It does not amount to anything. It is a recital which is not true.

It can not change the Constitution, and it ought not to be there. . . . It would simply be vain and futile and, if I may say so, with due respect to those who drew it, the doing of an inconsequential thing."⁴

¹ *The Constitutional Law of the United States*, 1929, vol. III, p. 1567. [Citation in the original memorandum.]

² S. Doc. 105, 65th Cong., 1st sess., p. 7. [Citation in the original memorandum.]

³ Bracketed insertion in the original memorandum.

⁴ 58 *Cong. Rec.*, pt. 8, p. 8195, Nov. 10, 1919, 66th Cong., 1st sess. [Citation in the original memorandum.]

relations of the United States and in this field he "alone has the power to speak or listen as a representative of the Nation."¹

Obviously, there are situations in which the powers of the President as Commander in Chief and his power to conduct the foreign relations of this country complement each other.

The basic interest of the United States is international peace and security. The United States has, throughout its history, upon orders of the Commander in Chief to the Armed Forces and without congressional authorization, acted to prevent violent and unlawful acts in other states from depriving the United States and its nationals of the benefits of such peace and security. It has taken such action both unilaterally and in concert with others. A tabulation of 85 instances of the use of American Armed Forces without a declaration of war was incorporated in the *Congressional Record* for July 10, 1941.²

It is important to analyze the purposes for which the President as Commander in Chief has authorized the despatch of American troops abroad. In many instances, of course, the Armed Forces have been used to protect specific American lives and property. In other cases, however, United States forces have been used in the broad interests of American foreign policy, and their use could be characterized as participation in international police action.

The traditional power of the President to use the Armed Forces of the United States without consulting Congress was referred to in debates in the Senate in 1945. Senator Connally remarked: "The historical instances in which the President has directed armed forces to go to other countries have not been confined to domestic or internal instances at all." Senator Millikin pointed out that "in many cases the President has sent troops into a foreign country to protect our foreign policy . . . notably in Central and South America." "That was done," he continued, "in order to keep foreign countries out of there—was not aimed at protecting any particular American citizen. It was aimed at protecting our foreign policy." To his remark that he presumed that by the Charter of the United Nations we had laid down a foreign policy which we could protect, Senator Connally replied that that was "absolutely correct." He added:

I was trying to indicate that fact by reading the list of instances of intervention on our part in order to keep another government out of territory in this hemisphere. That was a question of carrying out our international policy, and not a question involving the protection of some American citizen or American property at the moment.³

¹ *United States v. Curtiss-Wright Export Corp. et al.* (299 U.S. (1936) 304, 319). [Citation in the original memorandum.]

² A copy of the tabulation was annexed to the memorandum. It is printed in the Department of State *Bulletin*, July 31, 1950, pp. 177-178, and in the above-cited H. Rept. No. 2495, pp. 67-68. At this point in the memorandum appeared a sentence (omitted in the *Bulletin* but printed in H. Rept. No. 2495, p. 64) which cited a pamphlet by James Grafton Rogers entitled *World Policing and the Constitution*.

³ *Cong. Rec.*, 79th Cong., 1st sess., vol. 91, pt. 8, Nov. 26, 1945, p. 10967. [Citation in the original memorandum.]

During the Boxer Rebellion in China in 1900-1901, the President sent about 5,000 troops to join with British, Russian, German, French, and Japanese troops to relieve the siege of the foreign quarters in Peking and reestablish the treaty status. This was done without express congressional authority. In defining United States policy at the time Secretary of State Hay said:

. . . The purpose of the President is, as it has been heretofore, to act concurrently with the other powers; first, in opening up communication with Peking and rescuing the American officials, missionaries, and other Americans who are in danger; secondly, in affording all possible protection everywhere in China to American life and property; thirdly, in guarding and protecting all legitimate American interests; and, fourthly, in aiding to prevent a spread of the disorders to the other provinces of the Empire and a recurrence of such disasters. It is, of course, too early to forecast the means of attaining this last result; but the policy of the Government of the United States is to seek a solution which may bring about permanent safety and peace to China, preserve Chinese territorial and administrative entity, protect all rights guaranteed to friendly powers by treaty and international law, and safeguard for the world the principle of equal and impartial trade with all parts of the Chinese Empire.¹

After the opening up of Japan to foreigners in the 1850's through the conclusion of commercial treaties between Japan and certain Western powers, antiforeign disturbances occurred. In 1863, the American Legation was burned following previous attacks on the British Legation. The commander of the U. S. S. *Wyoming* was instructed to use all necessary force for the safety of the legation or of Americans residing in Japan. Secretary of State Seward said that the prime objects of the United States were:

First, to deserve and win the confidence of the Japanese Government and people, if possible, with a view to the common interest of all the treaty powers; secondly, to sustain and cooperate with the legations of these powers, in good faith, so as to render their efforts to the same end effective.²

In 1864, the Mikado, not recognizing the treaties with the Western powers, closed the straits of Shimonoseki. At the request of the Tycoon's government (opposed to the Mikado), American, British, French, and Netherlands forces, in a joint operation, opened the straits by force. The object of the Western powers was the enforcement of treaty rights, with the approval of the government that granted them.³

Again, in 1868, a detachment of Japanese troops assaulted foreign residents in the streets of Hiogo. One of the crew of the *Oreida* was seriously wounded. The safety of the foreign population being threatened, naval forces of the treaty powers made a joint landing and adopted measures to protect the foreign settlement.⁴

¹ John Bassett Moore, *A Digest of International Law*, vol. v, p. 482. See also Taft, *op. cit.* pp. 114-115; Rogers, *op. cit.* pp. 58-62. [Citations in the original memorandum.]

² John Bassett Moore, *A Digest of International Law*, vol. v, pp. 747-748. [Citation in the original memorandum.]

³ *Ibid.*, p. 750; S. Ex. Doc. 58, 41 Cong. 2d sess. [Citations in the original memorandum.]

⁴ *Report of the Secretary of the Navy*, 1868, p. xi. [Citation in the original memorandum.]

Former Assistant Secretary of State James Grafton Rogers has characterized these uses of force as "international police action", saying:

They amounted to executive use of the Armed Forces to establish our own and the world's scheme of international order. Two American Presidents used men, ships and guns on a large and expensive scale.¹

In 1888 and 1889, civil war took place in Samoa where the United States, Great Britain, and Germany had certain respective treaty rights for the maintenance of naval depots. German forces were landed, and the German Government invited the United States to join in an effort to restore calm and quiet in the islands in the interest of all the treaty powers. The commander of the United States naval forces in the Pacific was instructed by the Secretary of the Navy that the United States was willing to cooperate in restoring order "on the basis of the full preservation of American treaty rights and Samoan authority, as recognized and agreed to by Germany, Great Britain, and the United States." He was to extend full protection and defense to American citizens and property, to protest the displacement of the native government by Germany as violating the positive agreement and understanding between the treaty powers, but to inform the British and German Governments of his readiness to cooperate in causing all treaty rights to be respected and in restoring peace and order on the basis of the recognition of the Samoan right to independence.²

On July 7, 1941, the President sent to the Congress a message announcing that as Commander in Chief he had ordered the Navy to take all necessary steps to insure the safety of communications between Iceland and the United States as well as on the seas between the United States and all other strategic outposts and that American troops had been sent to Iceland in defense of that country. The United States, he said, could not permit "the occupation by Germany of strategic outposts in the Atlantic to be used as air or naval bases for eventual attack against the Western Hemisphere." For the same reason, he said, substantial forces of the United States had been sent to the bases acquired from Great Britain in Trinidad and British Guiana in the South to forestall any pincers movement undertaken by Germany against the Western Hemisphere.³

Thus, even before the ratification of the United Nations Charter, the President had used the Armed Forces of the United States without consulting the Congress for the purpose of protecting the foreign policy of the United States. The ratification of the United Nations Charter was, of course, a landmark in the development of American foreign policy. As noted above, Senator Connally and Senator Millikin agreed that the President was entitled to use armed forces in

¹ *World Policing and the Constitution*, published by the World Peace Foundation, 1945, pp. 66, 67. [Citation in the original memorandum.]

² John Bassett Moore, *A Digest of International Law*, vol. I, pp. 545-546. [Citation in the original memorandum.]

³ *Cong. Rec.*, 77th Cong., 1st sess., vol. 87, pt. 6, July 7, 1941, p. 5868. [Citation in the original memorandum.]

protection of the foreign policy represented by the Charter. This view was also expressed in the Senate debates in connection with the ratification of the Charter. For example, Senator Wiley made the following pertinent statement:

It is my understanding, according to the testimony given before the Foreign Relations Committee of the Senate, that the terms "agreement or agreements" as used in article 43 are synonymous with the word "treaty." On the other hand, I recognize that Congress might well interpret them as agreements brought about by the action of the Executive and ratified by a joint resolution of both Houses. These agreements would provide for a police force and the specific responsibility of each nation. But outside of these agreements, there is the power in our Executive to preserve the peace, to see that the "supreme laws" are faithfully executed. When we become a party to this charter, and define our responsibilities by the agreement or agreements, there can be no question of the power of the Executive to carry out our commitments in relation to international policing. His constitutional power, however, is in no manner impaired.¹

An even fuller exposition of the point was made by Senator Austin, who stated:

Mr. President, I am one of those lawyers in the United States who believe that the general powers of the President—not merely the war powers of the President but the general authority of the President—are commensurate with the obligation which is imposed upon him as President, that he take care that the laws are faithfully executed. That means that he shall take all the care that is required to see that the laws are faithfully executed.

Of course, there are other specific references in the Constitution which show that he has authority to employ armed forces when necessary to carry out specific things named in the Constitution; but the great over-all and general authority arises from his obligation that he take care that the laws are faithfully executed. That has been true throughout our history, and the Chief Executive has taken care, and has sent the armed forces of the United States, without any act of Congress preceding their sending, on a great many occasions. I have three different compilations of those occasions. One of them runs as high as 150 times; another of them 72 times, and so forth. It makes a difference whether we consider the maneuvers which were merely shows of force as combined [*comprised?*] in the exercise of this authority—as I do—or whether we limit the count to those cases in which the armed forces have actually entered upon the territory of a peaceful neighbor. But there is no doubt in my mind of his obligation and authority to employ all the force that is necessary to enforce the laws.

It may be asked, How does a threat to international security and peace violate the laws of the United States? Perhaps, Mr. President, it would not have violated the laws of the United States previous to the obligations set forth in this treaty. Perhaps we have never before recognized as being true the fundamental doctrine with which I opened my remarks. But we are doing so now. We recognize that a breach of the peace anywhere on earth which threatens the security and peace of the world is an attack upon us; and after this treaty is accepted by 29 nations, that will be the express law of the world. It will be the law of nations, because according to its express terms it will bind those who are nonmembers, as well as members, and it will be the law of the United States, because we shall have adopted it in a treaty. Indeed, it will be above the ordinary statutes of the United States, because it will be on a par with the Constitution, which provides that treaties made pursuant thereto shall be the supreme law of the land.

So I have no doubt of the authority of the President in the past, and his authority in the future, to enforce peace. I am bound to say that I feel that the President is the officer under our Constitution in whom there is exclusively vested the responsibility for maintenance of peace.²

¹ *Cong. Rec.*, 79th Cong., 1st sess., vol. 91, July 27, 1945, p. 8127-8128. [Citation in the original memorandum.]

² *Ibid.*, July 26, 1945, p. 8064-8065. [Citation in the original memorandum.]

Action contrary to the Charter of the United Nations is action against the interests of the United States. Preservation of peace under the Charter is a cornerstone of American foreign policy. President Truman said in his inaugural address in 1949:

In the coming years, our program for peace and freedom will emphasize four major courses of action.

First, we will continue to give unfaltering support to the United Nations and related agencies, and we will continue to search for ways to strengthen their authority and increase their effectiveness.¹

In the Korean situation, the resolution of the Security Council of June 25 determined, under article 39 of the Charter, that the action of the North Koreans constituted a breach of the peace and called upon "the authorities in North Korea (a) to cease hostilities forthwith; and (b) to withdraw their armed forces to the thirty-eighth parallel." It also called upon "all Members to render every assistance to the United Nations in the execution of this resolution." This is an application of the principles set forth in article 2, paragraph 5 of the Charter, which states: "All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter . . ." The Security Council resolution of June 27, passed after the North Korean authorities had disregarded the June 25 resolution, recommended "that Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area." This recommendation was also made under the authority of article 39 of the Charter.

The President's action seeks to accomplish the objectives of both resolutions.

The continued defiance of the United Nations by the North Korean authorities would have meant that the United Nations would have ceased to exist as a serious instrumentality for the maintenance of international peace. The continued existence of the United Nations as an effective international organization is a paramount United States interest. The defiance of the United Nations is in clear violation of the Charter of the United Nations and of the resolutions adopted by the Security Council of the United Nations to bring about a settlement of the problem. It is a threat to international peace and security, a threat to the peace and security of the United States and to the security of United States forces in the Pacific.

These interests of the United States are interests which the President as Commander in Chief can protect by the employment of the Armed Forces of the United States without a declaration of war. It was they which the President's order of June 27 did protect. This order was within his authority as Commander in Chief.

¹ Address of Jan. 20, 1949; Department of State *Bulletin*, Jan. 30, 1949, p. 124.

14. DESIGNATION OF THE UNIFIED COMMAND: Resolution of the United Nations Security Council, July 7, 1950¹

The Security Council,
Having determined that the armed attack upon the Republic of Korea by forces from North Korea constitutes a breach of the peace,
Having recommended that Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area,

1. *Welcomes* the prompt and vigorous support which governments and peoples of the United Nations have given to its Resolutions of 25 and 27 June 1950² to assist the Republic of Korea in defending itself against armed attack and thus to restore international peace and security in the area;

2. *Notes* that Members of the United Nations have transmitted to the United Nations offers of assistance for the Republic of Korea;

3. *Recommends* that all Members providing military forces and other assistance pursuant to the aforesaid Security Council resolutions make such forces and other assistance available to a unified command under the United States;

4. *Requests* the United States to designate the commander of such forces;

5. *Authorizes* the unified command at its discretion to use the United Nations flag in the course of operations against North Korean forces concurrently with the flags of the various nations participating;

6. *Requests* the United States to provide the Security Council with reports as appropriate on the course of action taken under the unified command.

15. DESIGNATION OF THE UNITED NATIONS COMMANDER: Statement by the President, July 8, 1950³

The Security Council of the United Nations, in its resolution of July 7, 1950,⁴ has recommended that all members providing military forces and other assistance pursuant to the Security Council resolutions of June 25 and 27,⁵ make such forces and other assistance available to a unified command under the United States.

The Security Council resolution also requests that the United States designate the commander of such forces, and authorizes the unified command at its discretion to use the United Nations flag in the course of operations against the North Korean forces concurrently with the flags of the various nations participating.

I am responding to the recommendation of the Security Council

¹ U.N. doc. S/INF/4, Feb. 1, 1951, pp. 6-7.

² *Supra*, docs. 8 and 10.

³ Department of State *Bulletin*, July 17, 1950, p. 83.

⁴ *Supra*.

⁵ *Supra*, docs. 8 and 10.

and have designated General Douglas MacArthur as the Commanding General of the military forces which the members of the United Nations place under the unified command of the United States pursuant to the United Nations' assistance to the Republic of Korea in repelling the unprovoked armed attack against it.

I am directing General MacArthur, pursuant to the Security Council resolution, to use the United Nations flag in the course of operations against the North Korean forces concurrently with the flags of the various nations participating.

16. UNITED STATES VIEWS ON THE ROLE OF THE UNITED NATIONS IN REPELLING THE AGGRESSION IN KOREA: Message From the Secretary of State to the Prime Minister of India, July 18, 1950¹

I am deeply appreciative of the high purpose which prompted Your Excellency in sending the message which I received on July 13, 1950, through your distinguished Ambassador in Washington² and your subsequent message of the 17th transmitting Prime Minister Stalin's reply³ to your similar letter to him of July 13. Both the President and I have given the most thoughtful consideration to these communications.

One of the most fundamental objectives of the foreign policy of the United States is to assist in maintaining world peace, and the Government of the United States is firmly of the opinion that the United Nations is the most effective instrument yet devised for maintaining and restoring international peace and security. The United States is, therefore, eager to do all that is proper and possible to preserve and strengthen the United Nations.

The purpose of the United States Government and of the American people with respect to Korea is to support by all means at our disposal the determination of the United Nations to repel the armed attack upon Korea and to restore international peace and security in the area. We desire both to prevent the spread of aggression beyond Korea and to end it there—as required by the Security Council of the United Nations.

We are deeply conscious of the fact that law-abiding governments and peoples throughout the world have a vital stake in the issues involved in this aggression and in the success of the United Nations in

¹ Transmitted telegraphically through the American Ambassador at New Delhi; Department of State *Bulletin*, July 31, 1950, pp. 170-171.

² The message of July 13 contained an appeal for "breaking the present deadlock [over Chinese representation] in the Security Council so that representatives of the People's Government of China can take a seat in the Council, the Union of Soviet Socialist Republics can return to it, and, whether within or through informal contacts outside the Council, the United States of America, the Union of Soviet Socialist Republics, and China, with the help and cooperation of other peace-loving nations, can find a basis for terminating the [Korea] conflict and for a permanent solution of the Korean problem" (*ibid.*, p. 170).

³ Message of July 15, 1950; *Documents on International Affairs, 1949-50* (London, 1953), p. 717.

dealing with it. It is painful to realize that there could have long since been a restoration of peace and the saving of the lives of those fighting on behalf of the United States [Nations]¹ had not a small minority of the United Nations failed to meet their obligations under the Charter and refused to use their authority and influence to prevent or stop the hostilities. The acceptance of their obligations and the exercise of their authority and influence in accordance with those obligations would restore peace tomorrow.

A breach of the peace or an act of aggression is the most serious matter with which the United Nations can be confronted. We do not believe that the termination of the aggression from northern Korea can be contingent in any way upon the determination of other questions which are currently before the United Nations.

There has not been at any time any obstacle to the full participation by the Soviet Union in the work of the United Nations except the decision of the Soviet Government itself. The Security Council has shown that it is both competent and willing to act vigorously for the maintenance of peace.

In our opinion, the decision between competing claimant governments for China's seat in the United Nations is one which must be reached by the United Nations on its merits. It is a question on which there is at present a wide diversity of views among the membership of the United Nations. I know you will agree that the decision should not be dictated by an unlawful aggression or by any other conduct which would subject the United Nations to coercion and duress.

I know that Your Excellency shares our earnest desire to see an early restoration of peace in Korea in accordance with the resolutions of the Security Council, and I assure you of our eagerness to work with you and your great country to establish in the United Nations a means by which the fear of aggression can be permanently lifted from the peoples of the earth.²

17. REPORT BY THE PRESIDENT TO THE CONGRESS ON THE SITUATION IN KOREA, JULY 19, 1950 (Excerpts)³

To the Congress of the United States:

I am reporting to the Congress on the situation which has been created in Korea, and on the actions which this Nation has taken, as a member of the United Nations, to meet this situation. I am also laying before the Congress my views concerning the significance of these events for this Nation and the world, and certain recommendations for legislative action which I believe should be taken at this time.

¹ Correct version as found in Department of State press release 759, July 19, 1950.

² Prime Minister Nehru, in a reply of July 19, 1950, referred to the American and Indian Governments' policy of maintaining peace and supporting the United Nations, and added that his suggestion of July 13 had been "designed to fulfill this policy, not to weaken it" (Department of State *Bulletin*, July 31, 1950, p. 171).

³ H. Doc. No. 646, 81st Cong., 2d sess.

At 4 o'clock in the morning, Sunday, June 25, Korean time, armed forces from north of the thirty-eighth parallel invaded the Republic of Korea.

The Republic of Korea was established as an independent nation in August 1948, after a free election held under the auspices of the United Nations. This election, which was originally intended to cover all of Korea, was held only in the part of the Korean peninsula south of the thirty-eighth parallel, because the Soviet Government, which occupied the peninsula north of that parallel, refused to allow the election to be held in the area under its control.

The United States, and a majority of the other members of the United Nations, have recognized the Republic of Korea. The admission of Korea to the United Nations has been blocked by the Soviet veto.

In December 1948 the Soviet Government stated that it had withdrawn its occupation troops from northern Korea, and that a local regime had been established there. The authorities in northern Korea continued to refuse to permit United Nations observers to pass the thirty-eighth parallel to supervise or observe a free election, or to verify the withdrawal of Soviet troops.

Nevertheless, the United Nations continued its efforts to obtain a freely elected government for all of Korea and, at the time of the attack, a United Nations Commission, made up of representatives of seven nations—Australia, China, El Salvador, France, India, the Philippines and Turkey—was in the Republic of Korea.

Just 1 day before the attack of June 25, field observers attached to the United Nations Commission on Korea had completed a routine tour, lasting 2 weeks, of the military positions of the Republic of Korea south of the thirty-eighth parallel. The report of these international observers stated that the Army of the Republic of Korea was organized entirely for defense. The observers found the parallel guarded on the south side by small bodies of troops in scattered outposts, with roving patrols. They found no concentration of troops and no preparation to attack. The observers concluded that the absence of armor, air support, heavy artillery, and military supplies precluded any offensive action by the forces of the Republic of Korea.

On June 25, within a few hours after the invasion was launched from the north, the Commission reported to the United Nations that the attack had come without warning and without provocation.

The reports from the Commission make it unmistakably clear that the attack was naked, deliberate, unprovoked aggression, without a shadow of justification.¹

This outright breach of the peace, in violation of the United Nations Charter, created a real and present danger to the security of every nation. This attack was, in addition, a demonstration of contempt for the United Nations, since it was an attempt to settle, by military aggression, a question which the United Nations had been working to settle by peaceful means.

¹ For the analysis and conclusions of the U.N. Commission concerning responsibility for the aggression, see *infra*, doc. 21.

The attack on the Republic of Korea, therefore, was a clear challenge to the basic principles of the United Nations Charter and to the specific actions taken by the United Nations in Korea. If this challenge had not been met squarely, the effectiveness of the United Nations would have been all but ended, and the hope of mankind that the United Nations would develop into an institution of world order would have been shattered.

Prompt action was imperative. The Security Council of the United Nations met, at the request of the United States, in New York at 2 o'clock in the afternoon, Sunday, June 25, eastern daylight time. Since there is a 14-hour difference in time between Korea and New York, this meant that the Council convened just 24 hours after the attack began.

At this meeting the Security Council passed a resolution¹ which called for the immediate cessation of hostilities and for the withdrawal of the invading troops to the thirty-eighth parallel, and which requested the members of the United Nations to refrain from giving aid to the northern aggressors and to assist in the execution of this resolution. The representative of the Soviet Union to the Security Council stayed away from the meeting, and the Soviet Government has refused to support the Council's resolution.

The attack launched on June 25 moved ahead rapidly. The tactical surprise gained by the aggressors, and their superiority in planes, tanks, and artillery, forced the lightly armed defenders to retreat. The speed, the scale, and the coordination of the attack left no doubt that it had been plotted long in advance.

When the attack came, our Ambassador to Korea, John J. Muccio, began the immediate evacuation of American women and children from the danger zone. To protect this evacuation, air cover and sea cover were provided by the commander in chief of United States forces in the Far East, General of the Army Douglas MacArthur. In response to urgent appeals from the Government of Korea, General MacArthur was immediately authorized to send supplies of ammunition to the Korean defenders. These supplies were sent by air transport, with fighter protection. The United States Seventh Fleet was ordered north from the Philippines, so that it might be available in the area in case of need.

Throughout Monday, June 26, the invaders continued their attack with no heed to the resolution of the Security Council of the United Nations. Accordingly, in order to support the resolution, and on the unanimous advice of our civil and military authorities, I ordered United States air and sea forces to give the Korean Government troops cover and support.²

On Tuesday, June 27, when the United Nations Commission in Korea had reported that the northern troops had neither ceased hostilities nor withdrawn to the thirty-eighth parallel,³ the United Nations Security Council met again and passed a second resolution,

¹ *Supra*, doc. 8.

² Statement of June 27, 1950; *supra*, doc. 9.

³ Report of June 26, 1950; *United States Policy in the Korean Crisis*, p. 21.

recommending that members of the United Nations furnish to the Republic of Korea such aid as might be necessary to repel the attack and to restore international peace and security in the area.¹ The representative of the Soviet Union to the Security Council stayed away from this meeting also, and the Soviet Government has refused to support the Council's resolution.

The vigorous and unhesitating actions of the United Nations and the United States in the face of this aggression met with an immediate and overwhelming response throughout the free world. The first blow of aggression had brought dismay and anxiety to the hearts of men the world over. The fateful events of the 1930's when aggression unopposed bred more aggression and eventually war, were fresh in our memory.

But the free nations had learned the lesson of history. Their determined and united actions uplifted the spirit of freemen everywhere. As a result, where there had been dismay there is hope; where there had been anxiety there is firm determination.

Fifty-two of the 59 member nations have supported the United Nations action to restore peace in Korea.

A number of member nations have offered military support or other types of assistance for the United Nations action to repel the aggressors in Korea. In a third resolution, passed on July 7, the Security Council requested the United States to designate a commander for all the forces of the members of the United Nations in the Korean operation, and authorized these forces to fly the United Nations flag.² In response to this resolution, General MacArthur has been designated as commander of these forces.³ These are important steps forward in the development of a United Nations system of collective security. Already, aircraft of two nations—Australia and Great Britain—and naval vessels of five nations—Australia, Canada, Great Britain, the Netherlands, and New Zealand—have been made available for operations in the Korean area, along with forces of Korea and the United States, under General MacArthur's command. The other offers of assistance that have been, and will continue to be made, will be coordinated by the United Nations and by the unified command, in order to support the effort in Korea to maximum advantage.

All the members of the United Nations who have endorsed the action of the Security Council realize the significance of the step that has been taken. This united and resolute action to put down lawless aggression is a milestone toward the establishment of a rule of law among nations.

Only a few countries have failed to support the common action to restore the peace. The most important of these is the Soviet Union.

Since the Soviet representative had refused to participate in the meetings of the Security Council which took action regarding Korea, the United States brought the matter directly to the attention of the

¹ *Supra*, doc. 10.

² *Supra*, doc. 14.

³ See the President's statement of July 8, 1950; *supra*, doc. 15.

Soviet Government in Moscow. On June 27, we requested the Soviet Government, in view of its known close relations with the North Korean regime, to use its influence to have the invaders withdraw at once.¹

The Soviet Government, in its reply on June 29² and in subsequent statements, has taken the position that the attack launched by the North Korean forces was provoked by the Republic of Korea, and that the actions of the United Nations Security Council were illegal.

These Soviet claims are flatly disproved by the facts.

The attitude of the Soviet Government toward the aggression against the Republic of Korea is in direct contradiction to its often expressed intention to work with other nations to achieve peace in the world.

For our part, we shall continue to support the United Nations action to restore peace in the Korean area.

As the situation has developed, I have authorized a number of measures to be taken. Within the first week of the fighting, General MacArthur reported, after a visit to the front, that the forces from North Korea were continuing to drive south, and further support to the Republic of Korea was needed. Accordingly, General MacArthur was authorized to use United States Army troops in Korea, and to use United States aircraft of the Air Force and the Navy to conduct missions against specific military targets in Korea north of the thirty-eighth parallel, where necessary to carry out the United Nations resolution. General MacArthur was also directed to blockade the Korean coast.³

The attacking forces from the north have continued to move forward, although their advance has been slowed down. The troops of the Republic of Korea, though initially overwhelmed by the tanks and artillery of the surprise attack by the invaders, have been reorganized and are fighting bravely.

United States forces, as they have arrived in the area, have fought with great valor. The Army troops have been conducting a very difficult delaying operation with skill and determination, outnumbered many times over by attacking troops, spearheaded by tanks. Despite the bad weather of the rainy season, our troops have been valiantly supported by the air and naval forces of both the United States and other members of the United Nations.

In this connection, I think it is important that the nature of our military action in Korea be understood. It should be made perfectly clear that the action was undertaken as a matter of basic moral principle. The United States was going to the aid of a nation established and supported by the United Nations and unjustifiably attacked by an aggressor force. Consequently, we were not deterred by the relative immediate superiority of the attacking forces, by the fact that our base of supplies was 5,000 miles away, or by the further fact

¹ *United States Policy in the Korean Crisis*, pp. 63-64.

² *Ibid.*, p. 64.

³ See White House statement of June 30, 1950; *supra*, doc. 11.

that we would have to supply our forces through port facilities that are far from satisfactory.

We are moving as rapidly as possible to bring to bear on the fighting front larger forces and heavier equipment, and to increase our naval and air superiority. But it will take time, men, and material to slow down the forces of aggression, bring those forces to a halt, and throw them back.

Nevertheless, our assistance to the Republic of Korea has prevented the invaders from crushing that nation in a few days—as they had evidently expected to do. We are determined to support the United Nations in its effort to restore peace and security to Korea, and its effort to assure the people of Korea an opportunity to choose their own form of government free from coercion, as expressed in the General Assembly resolutions of November 14, 1947,¹ and December 12, 1948.²

In addition to the direct military effort we and other members of the United Nations are making in Korea, the outbreak of aggression there requires us to consider its implications for peace throughout the world. The attack upon the Republic of Korea makes it plain beyond all doubt that the international Communist movement is prepared to use armed invasion to conquer independent nations. We must therefore recognize the possibility that armed aggression may take place in other areas.

In view of this, I have already directed that United States forces in support of the Philippines be strengthened, and that military assistance be speeded up to the Philippine Government and to the Associated States of Indochina and to the forces of France in Indochina. I have also ordered the United States Seventh Fleet to prevent any attack upon Formosa, and I have requested the Chinese Government on Formosa to cease all air and sea operations against the mainland.³ These steps were at once reported to the United Nations Security Council.

Our action in regard to Formosa was a matter of elementary security. The peace and stability of the Pacific area had been violently disturbed by the attack on Korea. Attacks elsewhere in the Pacific area would have enlarged the Korean crisis, thereby rendering much more difficult the carrying out of our obligations to the United Nations in Korea.

In order that there may be no doubt in any quarter about our intentions regarding Formosa, I wish to state that the United States has no territorial ambitions whatever concerning that island, nor do we seek for ourselves any special position or privilege on Formosa. The present military neutralization of Formosa is without prejudice to political questions affecting that island. Our desire is that Formosa not become embroiled in hostilities disturbing to the peace of the Pacific and that all questions affecting Formosa be settled by

¹ Res. 112 (II); *A Decade of American Foreign Policy*, pp. 677–678.

² Res. 195 (III); U. N. General Assembly, *Official Records, Third Session, Part I, Resolution (A/810)*, pp. 25–27.

³ See the President's statement of June 27, 1950; *supra*, doc. 9.

peaceful means as envisaged in the Charter of the United Nations. With peace reestablished, even the most complex political questions are susceptible of solution. In the presence of brutal and unprovoked aggression, however, some of these questions may have to be held in abeyance in the interest of the essential security of all.

The outbreak of aggression in the Far East does not, of course, lessen but, instead, increases the importance of the common strength of the free nations in other parts of the world. The attack on the Republic of Korea gives added urgency to the efforts of the free nations to increase and to unify their common strength, in order to deter a potential aggressor.

To be able to accomplish this objective, the free nations must maintain a sufficient defensive military strength in being and, even more important, a solid basis of economic strength, capable of rapid mobilization in the event of emergency.

The strong cooperative efforts that have been made by the United States and other free nations, since the end of World War II, to restore economic vitality to Europe and other parts of the world, and the cooperative efforts we have begun in order to increase the productive capacity of underdeveloped areas, are extremely important contributions to the growing economic strength of all the free nations, and will be of even greater importance in the future.

We have been increasing our common defensive strength under the Treaty of Rio de Janeiro and the North Atlantic Treaty,¹ which are collective security arrangements within the framework of the United Nations Charter. We have also taken action to bolster the military defenses of individual free nations, such as Greece, Turkey, and Iran.

The defenses of the North Atlantic Treaty area were considered a matter of great urgency by the North Atlantic Council in London this spring.² Recent events make it even more urgent than it was at that time to build and maintain these defenses.

Under all the circumstances it is apparent that the United States is required to increase its military strength and preparedness not only to deal with the aggression in Korea but also to increase our common defense, with other free nations, against further aggression.

The increased strength which is needed falls into three categories:

In the first place, to meet the situation in Korea, we shall need to send additional men, equipment, and supplies to General MacArthur's command as rapidly as possible.

In the second place, the world situation requires that we increase substantially the size and matériel support of our Armed Forces, over and above the increases which are needed in Korea.

In the third place, we must assist the free nations associated with us in common defense to augment their military strength.

Of the three categories I have just enumerated, the first two involve increases in our own military manpower, and in the matériel support that our men must have.

¹ For texts of treaties, see *supra*, pp. 789-796 and 812-815.

² See communiqué of May 19, 1950; *supra*, pp. 1604-1606.

To meet the increased requirements for military manpower, I have authorized the Secretary of Defense to exceed the budgeted strength of military personnel for the Army, Navy, and Air Force, and to use the Selective Service System to such extent as may be required in order to obtain the increased strength which we must have. I have also authorized the Secretary of Defense to meet the need for military manpower by calling into active Federal service as many National Guard units and as many units and individuals of the Reserve forces of the Army, Navy, and Air Forces as may be required.

I have directed the Secretary of Defense and the Joint Chiefs of Staff to keep our military manpower needs under constant study, in order that further increases may be made as required. There are now statutory limits on the sizes of the armed forces and, since we may need to exceed these limits, I recommend that they be removed.

To increase the level of our military strength will also require additional supplies and equipment. Procurement of many items has already been accelerated, in some cases for use in Korea, in others to replace reserve stocks which are now being sent to Korea, and in still others to add to our general level of preparedness. Further increases in procurement, resulting in a higher rate of production of military equipment and supplies, will be necessary.

The increases in the size of the armed forces, and the additional supplies and equipment which will be needed, will require additional appropriations. Within the next few days, I will transmit to the Congress specific requests for appropriations in the amount of approximately 10 billion dollars.

These requests for appropriations will be addressed to the needs of our own military forces. Earlier, I referred to the fact that we must also assist other free nations in the strengthening of our common defenses. The action we must take to accomplish this is just as important as the measures required to strengthen our own forces.

The authorization bill for the Mutual Defense Assistance Program for 1951, now before the House of Representatives, is an important immediate step toward the strengthening of our collective security. It should be enacted without delay.¹

But it is now clear that the free nations of the world must step up their common security program. The other nations associated with us in the Mutual Defense Assistance Program, like ourselves, will need to divert additional economic resources to defense purposes. In order to enable the nations associated with us to make their maximum contribution to our common defense, further assistance on our part will be required. Additional assistance may also be needed to increase the strength of certain other free nations whose security is vital to our own.

In the case of the North Atlantic area these requirements will reflect the consultations now going on with the other nations associated with us in the North Atlantic Treaty. As soon as it is possible to determine what each nation will need to do, I shall lay before the Congress a request for such funds as are shown to be necessary to the

¹ See *infra*, pp. 3039-3042.

attainment and maintenance of our common strength at an adequate level.

The free world has made it clear, through the United Nations, that lawless aggression will be met with force. This is the significance of Korea—and it is a significance whose importance cannot be overestimated.

I shall not attempt to predict the course of events. But I am sure that those who have it in their power to unleash or withhold acts of armed aggression must realize that new recourse to aggression in the world today might well strain to the breaking point the fabric of world peace.

The United States can be proud of the part it has played in the United Nations action in this crisis. We can be proud of the unhesitating support of the American people for the resolute actions taken to halt the aggression in Korea and to support the cause of world peace.

The Congress of the United States, by its strong, bipartisan support of the steps we are taking and by repeated actions in support of international cooperation, has contributed most vitally to the cause of peace. The expressions of support which have been forthcoming from the leaders of both political parties for the actions of our Government and of the United Nations in dealing with the present crisis, have buttressed the firm morale of the entire free world in the face of this challenge.

The American people, together with other free peoples, seek a new era in world affairs. We seek a world where all men may live in peace and freedom, with steadily improving living conditions, under governments of their own free choice.

For ourselves, we seek no territory or domination over others. We are determined to maintain our democratic institutions so that Americans now and in the future can enjoy personal liberty, economic opportunity, and political equality. We are concerned with advancing our prosperity and our well-being as a nation, but we know that our future is inseparably joined with the future of other free peoples.

We will follow the course we have chosen with courage and with faith, because we carry in our hearts the flame of freedom. We are fighting for liberty and for peace—and with God's blessing we shall succeed.

18. FIRST REPORT TO THE SECURITY COUNCIL BY THE UNITED NATIONS COMMAND, JULY 24, 1950¹

At 0400 Korean time on Sunday, 25 June 1950, the North Korean Army launched a completely unprovoked invasion of South Korea. North Korean infantry crossed the 38th parallel, led by Soviet-made

¹ U.N. doc. S/1626, July 25, 1950, pp. 2-8 (Department of State publication 3935).

tanks in an estimated number of 100. The main attack was down the Pochon-Uijongbu-Seoul corridor. Simultaneously, attacks were launched in the Ongjin Peninsula to the West, against Chunchon in the eastern mountains, and down the east coast road. The North Korean Air Force covered the amphibious landings, and attacked Kimpo Airfield, near Seoul. The size of the attack, the fact that it covered the principal areas along the 38th parallel, and the amount and character of material involved, and the use of amphibious landings, indicated clearly that the invasion had been carefully planned for long in advance.

The character and disposition of the Republic of Korea Army indicated that it did not expect this sudden attack. This fact is supported by a report of an observation team of the United Nations Commission on Korea, made along the 38th parallel and dated 24 June 1950.¹ This report stated that its team of observers "had, in the course of a two-week inspection, been left with the impression that the Republican Army was organized entirely for defense and (was) in no condition to carry out a large-scale attack against the forces in the North. The observers found that the Republic of Korea forces were disposed in depth all along the 38th parallel with no concentration of troops at any point, that a large number of Republic of Korea troops were actively engaged in rounding up guerrillas and were, in any case, entirely lacking in the armor, heavy artillery, and air support necessary to carry off an invasion of North Korea." These facts controverted completely the North Korea broadcast from Pyongyang, late in the morning of 25 June, that the Republic of Korea had initiated an attack across the border and that the North Korean Forces had been ordered to repel the attack.

The North Korean invaders were reported to have committed initially 6 divisions of Infantry, 3 Border Constabulary Brigades, supported by approximately 100 Soviet-made T34 and T70 tanks and ample heavy artillery. Their Air Force held complete control of the air, and was at the time estimated to be composed of 100-150 Soviet-made combat planes. The total strength of the North Korean forces was placed at between 90,000 and 100,000, organized in approximately 7 divisions and 5 brigades, well trained and equipped chiefly with excellent Soviet material.

Opposed to this mobile army, Republic of Korea troops were initially deployed along the 38th parallel with elements of 4 divisions, with the remainder in the interior, without tanks or heavy artillery and with only 16 trainers as an air force; an organization assigned primarily for preserving internal security.

With such a discrepancy in character and armament between North and South Korea, the actual date of the assault is immaterial; the potential for it was present for months.

In the light of the above facts, it is apparent that the attack upon South Korea was a carefully-planned, full-scale invasion in force.

¹ See U.N. General Assembly, *Official Records, Fifth Session, Supplement No. 16* (A/1360), pp. 40-42. The quotation cited in the U.N. Command report appears to be a paraphrase.

From the attack to the fall of Seoul on 28 June, North Korean forces struck southward across the 38th parallel on 25 June, in four major drives:

A. To the west, a Border Constabulary Brigade attacked in the Ongjin Peninsula against approximately one Republic of Korea regiment and was reported on 26 June in control of the area. However, a considerable number of Republic of Korea men escaped by sea.

B. One North Korean division, plus 42-50 tanks captured Kaesong on the afternoon of 25 June, and later pushed south through Husan toward Seoul. Another North Korean force of from 8,000-10,000 men, plus more than 50 tanks, drove down the Pochon-Uijongbu Corridor toward Seoul.

C. A division of North Korean troops, supported by heavy artillery and tanks, struck south toward Chunchon.

D. Along the east coast, a Border Constabulary Brigade reinforced to approximately 10,000, attacked Kangnung and carried out two amphibious landings further south.

The North Korean attack was initially opposed by five Republic of Korea divisions located in or north of Seoul. They were armed with rifles, machine guns, and other light infantry weapons. Taken completely by surprise, and facing greatly superior equipment, they fought desperately, but were forced to withdraw gradually. Another Republic of Korea division, hastily brought up from the south, was badly mauled in the fighting of 26 June. An official report on 30 June indicated that the Republic of Korea forces had suffered a high percentage of casualties and had lost much equipment in the hurried withdrawal.

On 28 June, aircraft of the United States Air Force, operating pursuant to the resolution of the Security Council of the United Nations,¹ began air operations against the North Korean invaders in support of Republic of Korea forces and later struck at military targets north to the 38th parallel with a view to disrupting the lines of communications and supply of the invading forces.

The badly decimated Republic of Korea forces reformed south of the Nan [Han] River, and with U.S.A.F. assistance, sought to delay the North Korean advance. By sheer weight of numbers and material they were forced back step by step until, on 2 July (Korean time) the town of Suwon, 20 miles south of Seoul, was reported in North Korean hands.

Meanwhile, in pursuance of United Nations recommendations, United States ground forces were committed to the area for stabilization of the front. On 5 July, a very small United States force made contact with the invaders, south of Suwon. On 7 July, upon the recommendation of the Security Council,² the Unified Command was established and General Douglas MacArthur was designated by

¹ Resolution of June 27, 1950; *supra*, doc. 10.

² Security Council resolution of July 7, 1950; *supra*, doc. 14.

the President of the United States as the Commanding General of the forces of the members of the United Nations.¹

The first United States troops were small in number and were committed as a holding force only. They were followed by additional supporting forces as rapidly as these could be transported to the battle line. Facing odds at times as high as 20 to one, "Our Army troops, ably supported by tactical aircraft of the United States Air Force and Navy and our Australian friends, flying under most adverse conditions of weather . . . distinguished themselves in the most difficult of military operations—a delaying action."

Under the protection of this delaying action Unified Command forces have steadily been strengthened. Under the combined impact of ground, air and naval forces, the progress of the invasion has been slowed, while the enemy has suffered severe losses on sea and land which are curtailing his supply and transportation capabilities.

At the outset of the North Korean invasion, naval forces available to oppose the aggression consisted of a small Republic of Korea Coast Guard. United States and other forces proceeded to the operational areas and by virtue of overwhelming superiority established a patrol of both coasts of Korea. These forces took the necessary action to prevent movement by sea of forces and supplies for use in operations against the Republic of Korea, including ingress and egress to and from Korean ports of merchant vessels furnishing or likely to furnish assistance to the North Korean authorities. United Nations Naval Forces covered some of the initial necessary evacuations, rendered logistic support, and by operating against North Korean waterborne forces denied the Communist invaders the logistic support of its forces by sea.

Naval units proceeded to accomplish the waterlift of troops and supplies to Korea, patrol by naval aircraft of water and coastal areas, escort duties and coastal patrol functions. Harassing fire from naval units on both coasts shelled targets susceptible to naval gunfire, reached roads, and generally interfered with enemy communications. Naval units have attacked North Korean water traffic where found, and have already destroyed approximately one-third of the vessels originally available to North Korean naval forces.

A new phase of naval operations commenced on 3 July with the first aircraft carrier air strike. They struck on the west coast of North Korea. Subsequent carrier strikes on the east coast of Korea have been made by the British and United States units. The first amphibious landing by United Nations Forces was accomplished on the east coast of Korea on 18 July 1950.

The present naval situation finds both coasts of Korea covered by naval forces of the Unified Command. Harassing fire and fire support missions are being carried out by these forces. Patrols and reconnaissances are being conducted by naval patrol planes over coastal and water areas. Logistic support of men, equipment, and supplies by transport continues with escort.

It has been inspiring to witness the rapidity with which various

¹ See the President's statement of July 8, 1950; *supra*, doc. 15.

Member States have contributed to the naval forces assisting in the restoration of peace in Korea. The United Kingdom, Australia, New Zealand, Canada and the Netherlands have dispatched vessels to support the United Nations' effort to cut off supplies for the invading hordes from north of the 38th parallel. In carrying out this work, shore bombardments have been conducted where and as necessary to interdict the supply of Communist troops which have moved into that portion of Korea governed by the Republic of Korea under the aegis of the United Nations. Valuable service has also been rendered by a British naval unit in the rescue from the water of air-men who had been compelled to abandon their airplane. The Coast Guard of the Republic of Korea has been rendering invaluable service in providing for the security of the shorelines. Naval air [*sic*] provided by the United Kingdom has contributed in a major way in the support of landing operations at Pohang-dong.

Upon the request by the Security Council of the United Nations for assistance to defend the Republic of Korea against the North Korean aggressors, the only forces in the area immediately available were those United States and British Commonwealth occupation forces under the command of General MacArthur in the occupation of the Japanese Islands. The size and nature of these forces were sufficient only to perform the occupation duties in Japan.

Before committing the forces, in response to the Security Council resolutions, they had to be regrouped and re-equipped from standards for peacetime occupation of Japan to standards suitable for combat in Korea. This also involved moving these troops, with their equipment and supplies, from their various occupation stations in Japan, by combinations of motor, rail, water and air transportation, to Korea. Even so, all the materials for sustained combat were not immediately available to General MacArthur and therefore had to be rushed to Korea from the United States—a distance of one-third of the way around the globe. Future assistance for the defense of the Republic of Korea, both men and materials, must be transported over corresponding distances from the Member nations of the United Nations rendering such assistance. The well-planned attack by the North Korean regime, the size of their force, their logistical support and their ability to continue to press the attack, account for the degree of initiative enjoyed by the aggressor. The defenders of the Republic of Korea have been forced to submit to the time and place selected by the aggressor, and now must depend upon assistance from nations peacefully disposed and lying not merely hundreds, but thousands of miles away.

From the continuing appearance on the battlefield of large numbers of enemy personnel and equipment, it is now apparent that the North Korean aggressors have available to them resources far in excess of their internal capabilities. This, with the initial advantage of the aggressor, combines to give the enemy a strength that cannot be overcome until the United Nations forces achieve the effect of superiority in weapons and manpower. The task is not a small one when viewed in comparison with the potential resources of the aggressor force.

Until forces of the Unified Command are increased further in strength, the rapidity with which success will be achieved cannot be predicted. However, with the combined efforts of the United Nations, the full effect of the contribution from each member nation will be felt in the ultimate defeat of the aggressors from north of the 38 degree parallel.

In conclusion, it is believed appropriate to quote the Unified Commander's latest estimate of the Korean operations.

"With the deployment in Korea of major elements of the Eighth Army now accomplished the first phase of the campaign has ended and with it the chance for victory by the North Korean Forces. The enemy's plan and great opportunity depended upon the speed with which he could overrun South Korea once he had breached the Han River line and with overwhelming numbers and superior weapons temporarily shattered South Korean resistance. This chance he has now lost through the extraordinary speed with which the Eighth Army has been deployed from Japan to stem his rush. When he crashed the Han Line the way seemed entirely open and victory was within his grasp. The desperate decision to throw in piecemeal American elements as they arrived by every available means of transport from Japan was the only hope to save the situation. The skill and valor thereafter displayed in successive holding actions by the ground forces in accordance with this concept, brilliantly supported in complete co-ordination by air and naval elements, forced the enemy into continued deployments, costly frontal attacks and confused logistics which so slowed his advance and blunted his drive that we have bought the precious time necessary to build a secure base.

"I do not repeat *not* believe that history records a comparable operation which excelled the speed and precision with which the Eighth Army, the Far East Air Force and the Seventh Fleet have been deployed to a distant land for immediate commitment to major operations. It merits highest commendation for the commanders, staffs and units concerned and attests to their superior training and high state of readiness to meet any eventuality. This finds added emphasis in the fact that the Far East Command, until the President's great pronouncement to support the epochal action of the United Nations, had no repeat *no* slightest responsibility for the defense of the Free Republic of Korea. With the President's decision it assumed a completely new and added mission.

"It is, of course, impossible to predict with any degree of accuracy future incidents of a military campaign. Over a broad front involving continuous local struggles, there are bound to be ups and downs, losses as well as successes. Our national stabilization line will unquestionably be rectified and tactical improvement will involve planned withdrawals as well as local advances. But the issue of battle is now fully joined and will proceed along lines of action in which we will not repeat *not* be without choice. Our hold upon the southern part of Korea represents a secure base. Our casualties despite overwhelming odds have been relatively light. Our strength will continually increase while that of the enemy will relatively decrease. His supply line is insecure. He has had his great chance but failed to exploit it. We are now in Korea in force, and with God's help we are there to stay until the constitutional authority of the Republic is fully restored. MacArthur."

9. CONTRIBUTIONS TO THE UNIFIED COMMAND: Resolution of the United Nations Security Council, July 31, 1950¹

The Security Council,
Recognizing the hardships and privations to which the people of Korea are being subjected as a result of the continued prosecution by the North Korean forces of their unlawful attack, and
Appreciating the spontaneous offers of assistance to the Korean

¹ U.N. doc. S/INF/4, Feb. 1, 1951, pp. 7-8.

people which have been made by governments, specialized agencies, and non-governmental organizations,

Requests the Unified Command to exercise responsibility for determining the requirements for the relief and support of the civilian population of Korea, and for establishing in the field the procedures for providing such relief and support;

Requests the Secretary-General to transmit all offers of assistance for relief and support to the Unified Command;

Requests the Unified Command to provide the Security Council with reports, as appropriate, on its relief activities;

Requests the Secretary-General, the Economic and Social Council in accordance with Article 65 of the Charter, other appropriate United Nations principal and subsidiary organs, the specialized agencies in accordance with the terms of their respective agreements with the United Nations, and appropriate non-governmental organizations, to provide such assistance as the Unified Command may request for the relief and support of the civilian population of Korea, and as appropriate in connexion with the responsibilities being carried out by the Unified Command on behalf of the Security Council.

20. REPORT TO THE NATION ON THE SITUATION IN KOREA: Address by the President, September 1, 1950¹

Tonight, I want to talk to you about Korea, about why we are there, and what our objectives are.

As I talk with you, thousands of families in this land of ours have a son, or a brother, or a husband fighting in Korea. I know that your thoughts and hopes are constantly with them—and so are mine.

These men of ours are engaged once more in the age-old struggle for human liberty. Our men, and the men of other free nations, are defending with their lives the cause of freedom in the world. They are fighting for the proposition that peace shall be the law of this earth.

We must and shall support them with every ounce of our strength and with all our hearts. We shall put aside all else for this supreme duty.

No cause has ever been more just or more important.

For the first time in all history, men of many nations are fighting under a single banner to uphold the rule of law in the world. This is an inspiring fact.

If the rule of law is not upheld, we can look forward only to the horror of another world war and ultimate chaos. For our part, we do not intend to let that happen.

TWO COURSES FACED BY FREE WORLD

Two months ago, Communist imperialism turned from the familiar tactics of infiltration and subversion to a brutal attack on the small

¹ Department of State *Bulletin*, Sept. 11, 1950, pp. 407-410.

Republic of Korea. When that happened, the free and peace-loving nations of the world faced two possible courses.

One course would have been to limit our action to diplomatic protests, while the Communist aggressors went ahead and swallowed up their victim. That would have been the course of appeasement. If the history of the 1930's teaches us anything, it is that appeasement of dictators is the sure road to world war. If aggression were allowed to succeed in Korea, it would be an open invitation to new acts of aggression elsewhere.

The other course is the one which the free world chose. The United Nations made its historic decision to meet military aggression with armed force. The effects of that decision will be felt far beyond Korea. The firm action taken by the United Nations is our best hope of achieving world peace.

It is your liberty and mine which is involved. What is at stake is the free way of life—the right to worship as we please, the right to express our opinions, the right to raise our children in our own way, the right to choose our jobs, the right to plan our own future, and the right to live without fear. All these are bound up in the present action of the United Nations to put down aggression in Korea.

We cannot hope to maintain our own freedom if freedom elsewhere is wiped out. That is why the American people are united in support of our part in this task.

During the last 5 years, we have worked day in and day out to achieve a just and lasting peace. We have given every possible proof of our desire to live at peace with all nations. We have worked for liberty and self-government for people the world over. Most nations have joined with us in this effort, but the Soviet Union and the nations it controls have unceasingly hampered all efforts to achieve a just peace.

The Soviet Union has repeatedly violated its pledges of international cooperation. It has destroyed the independence of its neighbors. It has sought to disrupt those countries it could not dominate. It has built up tremendous armed forces far beyond the needs of its own defense.

Communist imperialism preaches peace but practices aggression.

In these circumstances, the free nations have been compelled to take measures to protect themselves against the aggressive designs of the Communists.

The United Nations was able to act as it did in Korea because the free nations in the years since World War II have created a common determination to work together for peace and freedom.

Every American can be justly proud of the role that our country has played in bringing this about.

RECORD TO CREATE UNITY AMONG FREE NATIONS

We have taken the lead in step after step to create unity and strength among the free nations. The record of these steps is impressive. Let me recall some of them to you.

In 1945, we helped to bring the United Nations into existence at San Francisco.

In 1946, the United States gave its full support to the successful action taken by the United Nations to protect Iran against Communist invasion.

In 1947, we began our military and economic aid to Greece and Turkey, which has helped those countries to keep their independence against Communist attacks and threats.

Also in 1947, by the treaty of Rio de Janeiro, we joined with the other American nations to guarantee the safety of the Western Hemisphere.

In 1948, the Marshall Plan checked the danger of Communist subversion in Europe; and, since that time, it has brought the free nations more closely together in a strong economic framework.

The Berlin airlift, in 1948 and 1949, defeated the Soviet effort to drive the free nations out of the democratic outpost of western Berlin.

The North Atlantic Treaty, in 1949, served notice that the nations of the North Atlantic community would stand together to preserve their freedom.

Today, in 1950, we are going ahead with an enlarged program for military aid to strengthen the common defense of free nations.

Step by step, these achievements in the struggle between freedom and Communist imperialism have brought the free nations closer together.

When the Communist movement turned to open, armed aggression in Korea, the response of the free nations was immediate.

Fifty-three of the fifty-nine members of the United Nations joined in meeting the challenge. Thirty have already pledged concrete aid to the United Nations to put down this aggression.

Thus far, the brunt of the fighting has fallen upon the armed forces of the Republic of Korea and the United States. In addition, naval forces from Australia, Canada, France, Great Britain, the Netherlands, and New Zealand have been and are now in action under the United Nations command. Fighting planes from Australia, Canada, and Great Britain have joined the operation.

Ground forces have been offered by Thailand, the Philippines, Turkey, Australia, France, and other countries. Some British troops have landed in Korea and more are on their way. All of these will serve under the flag of the United Nations and under the United Nations Commander, General MacArthur.

Our own men, with their gallant Korean comrades, have held the breach. In less than 8 weeks, five divisions of United States troops have moved into combat, some of them from bases more than 6,000 miles away. More men are on the way. Fighting in difficult country, under every kind of hardship, American troops have held back overwhelming numbers of the Communist invaders. Our naval and air forces have been carrying the attack to the military bases and supply lines of the aggressors.

Our men have fought with grim gallantry. All of us, especially those of us who are old soldiers, know how worthy they are of a place on that

long and honored roll of those who created and preserved liberty for our country.

The soldiers of the Republic of Korea have been fighting fiercely for their own freedom.

The determination of the South Koreans to maintain their independence is shown not only by the valor of their soldiers in the battle line but also by countless supporting activities of the whole population. They are giving every possible assistance to the United Nations forces.

These United Nations troops are still outnumbered. But their hard and valiant fight is bringing results. We hold a firm base of about 3,500 square miles. For weeks, the enemy has been hammering, now at one spot, now at another, sometimes at many points at once. He has been beaten back each time with heavy loss.

The enemy is spending his strength recklessly in desperate attacks. We believe the invasion has reached its peak. The task remaining is to crush it. Our men are confident, the United Nations command is confident, that it will be crushed. The power to do this is being gathered in Korea.

Right now, the battle in Korea is the front line in the struggle between freedom and tyranny. But the fighting there is part of a larger struggle to build a world in which a just and lasting peace can be maintained.

That is why we in the United States must increase our own defensive strength over and above the forces we need in Korea. That is why we must continue to work with other free nations to increase our combined strength.

The Congress is now acting on my request to increase our program of arms aid to other free countries.¹ These nations are greatly increasing their own efforts. Our aid is not a substitute but is an addition to what they themselves do.

In Western Europe alone, there are over 200 million people. Next to ours, their industry is the world's greatest workshop. They are joining with us to develop collective forces for mutual defense—our defense as well as their own.

U.S.—KEY ELEMENT IN STRENGTH

The armed forces of the United States are a key element in the strength of the free world. In view of the threats of aggression which now face us, we shall have to increase these forces, and we shall have to maintain larger forces for a long time to come.

We have had about 1½ million men and women on active duty in our Army, Navy, and Air Force. Our present plans call for increasing this number to close to 3 million, and further increases may be required.

In addition to increasing the size of our armed forces, we must step up sharply the production of guns, tanks, planes, and other military equipment. We shall also have to increase our stockpile of essential materials, and expand our industrial capacity to produce military supplies.

¹ See Title I of Chapter XI of the General Appropriation Act, 1951 (PL 759, 81st Cong., 2d sess.), Sept. 6, 1950; 64 Stat. 595.

We have the ability and the resources to meet the demands which confront us. Our industry and agriculture have never been stronger or more productive. We will use as much of this economic strength as is needed to defend ourselves and establish peace.

Hitler and the Japanese generals miscalculated badly, 10 years ago, when they thought we would not be able to use our economic power effectively for the defeat of aggression.

Let would-be aggressors make no such mistake today.

We now have over 62 million men and women employed—more than we have ever had before. Our farmers are producing over 20 percent more than they were in 1940. The productive capacity of our manufacturing industry is 60 percent greater than it was 10 years ago, when the Axis dictators threatened the world.

We must now divert a large share of this productive power to defense purposes. To do this will require hard work and sacrifice by all of us. I know all of us are prepared to do whatever is necessary in the cause of peace and freedom. We have never yet failed to give all that is needed in that cause, and we never will.

In order to increase our defense effort rapidly enough to meet the danger that we face, we shall have to make many changes in our way of living and working here at home. We shall have to give up many things we enjoy. We shall all have to work harder and longer. To prevent inflation and runaway prices, we shall have to impose certain restrictions upon ourselves.

The Congress has today completed action on legislation to enable us to channel the necessary effort to defense production, to increase our productive capacity, and to hold down inflation.¹

After this legislation is signed, I intend to talk to you again, to explain what your Government proposes to do, and how each citizen can play his part in this national effort.

As we move forward to arm ourselves more quickly in the days ahead and as we strive with the United Nations for victory in Korea, we must keep clearly in mind what we believe in and what we are trying to do. We also want the rest of the world to understand clearly our aims and our hopes.

STATEMENT OF U.S. AIMS AND POLICY

First: We believe in the United Nations. When we ratified its Charter, we pledged ourselves to seek peace and security through this world organization. We kept our word when we went to the support of the United Nations in Korea 2 months ago. We shall never go back on that pledge.

Second: We believe the Koreans have a right to be free, independent, and united—as they want to be. Under the direction and guidance of the United Nations, we, with others, will do our part to help them enjoy that right. The United States has no other aim in Korea.

Third: We do not want the fighting in Korea to expand into a

¹ The Defense Production Act of 1950 (PL 774, 81st Cong., 2d sess.), Sept. 8, 1950; 64 Stat. 798.

neral war. It will not spread unless Communist imperialism draws her armies and governments into the fight of the aggressors against the United Nations.

Fourth: We hope in particular that the people of China will not be misled or forced into fighting against the United Nations and against the American people, who have always been and still are their friends. Only the Communist imperialism, which has already started to dismember China, could gain from China's involvement in war.

Fifth: We do not want Formosa or any part of Asia for ourselves. We believe that the future of Formosa, like that of any other territory in dispute, should be settled peacefully. We believe that it should be settled by international action and not by the decision of the United States or of any other state alone. The mission of the Seventh Fleet is to keep Formosa out of the conflict. Our purpose is peace, not conquest.

Sixth: We believe in freedom for all the nations of the Far East. That is one of the reasons why we are fighting under the United Nations for the freedom of Korea. We helped the Philippines become independent, and we have supported the national aspirations to independence of other Asian countries. Russia has never voluntarily given up any territory it has acquired in the Far East; it has never given independence to any people who have fallen under its control. We not only want freedom for the peoples of Asia but we also want to help them secure for themselves better health, more food, better clothes and homes, and the chance to live their own lives in peace. The things we want for the people of Asia are the same things we want for the people of the rest of the world.

Seventh: We do not believe in aggressive or preventive war. Such war is the weapon of dictators, not of free democratic countries like the United States. We are arming only for defense against aggression. Even though Communist imperialism does not believe in peace, it can be discouraged from new aggression if we and other peoples are strong, determined, and united.

Eighth: We want peace and we shall achieve it. Our men are fighting for peace today in Korea. We are working for peace constantly in the United Nations and in all the capitals of the world. Our workers, our farmers, our businessmen, all our vast resources, are helping now to create the strength which will make peace secure. We want peace not only for its own sake but because we want all the peoples of the world, including ourselves, to be free to devote their full energies to making their lives richer and happier. We will give what help we can to make this universal human wish come true.

We invite all the nations of the world, without exception, to join with us in this great work.

The events in Korea have shown us again all the misery and horrors of war. The North Koreans have learned that the penalties of armed conflict fall as heavily on those who act as tools for the Communist dictatorship as they do on its victims. There will be no profit for

any people who follow the Communist dictatorship down its dark and bloody path.

Against the futile and tragic course of dictatorship, we uphold, for all people, the way of freedom—the way of mutual cooperation and international peace. We assert that mankind can find progress and advancement along the path of peace. At this critical hour in the history of the world, our country has been called upon to give of its leadership, its efforts, and its resources, to maintain peace and justice among nations. We have responded to that call. We will not fail.

The task which has fallen upon our beloved country is a great one. In carrying it out, we ask God to purge us of all selfishness and meanness and to give us strength and courage for the days ahead.

21. RESPONSIBILITY FOR THE AGGRESSION IN KOREA: Report of the United Nations Commission in Korea, September 4, 1950 (Excerpt)¹

Part Four

ANALYSIS AND CONCLUSIONS

A. RESPONSIBILITY FOR THE AGGRESSION

202. The invasion of the territory of the Republic of Korea by the armed forces of the North Korean authorities, which began on 25 June 1950, was an act of aggression initiated without warning and without provocation, in execution of a carefully prepared plan.

203. This plan of aggression, it is now clear, was an essential part of the policy of the North Korean authorities, the object of which was to secure control over the whole of Korea. If control could not be gained by peaceful means, it would be achieved by overthrowing the Republic of Korea, either by undermining it from within or, should that prove ineffective, by resorting to direct aggression. As the methods used for undermining the Republic from within proved unsuccessful, the North Korean authorities launched an invasion of the territory of the Republic of Korea.

B. ORIGIN AND NATURE OF THE CONFLICT

204. The origin of the conflict is to be found in the artificial division of Korea and in the failure, in 1945, of the occupying Powers to reach agreement on the method to be used for giving independence to Korea.²

¹ U.N. General Assembly, *Official Records, Fifth Session, Supplement No. 18* (A/1350), pp. 32-33. This report, covering the period Dec. 15, 1949, to Sept. 4, 1950, was transmitted by the Chairman of the Commission to the Secretary-General of the United Nations on Sept. 4, 1950, for transmission to the General Assembly.

² See *Korea's Independence* (Department of State publication 2933; 1947), pp. 2-11.

This failure was not due to anything inherent in the attitude of the people of Korea themselves, but was a reflection of those wider and more fundamental differences of outlook and policy which have become so marked a feature of the international scene.

205. This artificial division was consolidated by the exclusion from North Korea of the United Nations Temporary Commission, which had been charged by the General Assembly to observe the holding of elections on a democratic basis in the whole of Korea.¹ In the circumstances, it was decided to hold such elections in South Korea alone.

206. Had internationally-supervised elections been allowed to take place in the whole of Korea, and had a unified and independent Korea thereby come into existence, the present conflict could never have arisen.

C. PROSPECTS OF UNIFICATION

207. The Korean people, one in race, language and culture, fervently desire to live in a unified and independent Korea. Unification can be the only aim regarding Korea. It did, however, appear to the Commission, before the aggression took place, that unification through negotiation was unlikely to be achieved if such negotiation involved the holding of internationally-supervised elections on a democratic basis in the whole of Korea. Experience suggested that the North Korean authorities would never agree to such elections.

208. It was hoped that, at some stage, it might be possible to break down the economic and social barriers between the two political entities as a step toward unification. That too proved illusory, as the North Korean authorities persisted in their policy of aiming at the overthrow of the Republic of Korea.

209. After the consolidation of the division of Korea, propaganda and hostile activities on the part of the North Korean authorities accentuated tension which, in turn, stiffened the attitude of the Government and people of the Republic of Korea, and even further prejudiced such possibility of unification by negotiation as might have remained. Notwithstanding the continued efforts of the Commission, it appeared on the eve of the aggression that the Korean peninsula would remain divided indefinitely, or at least until international tension had slackened.

D. DEVELOPMENT OF REPRESENTATIVE GOVERNMENT IN THE REPUBLIC OF KOREA

210. The necessity to safeguard the stability and security of the Republic of Korea from the threat from the North gradually became a controlling factor in all the major activities of the administration of the Republic, and absorbed energies and resources which were needed to develop the new form of representative government and to carry out the economic and social reconstruction programme.

¹ See U.N. General Assembly Resolutions 112 (II) of Nov. 14, 1947 (*A Decade of American Foreign Policy*, pp. 677-678); 195 (III) of Dec. 12, 1948 (U.N. General Assembly, *Official Records, Third Session, Part I, Resolutions* (A/810), pp. 25-27); and 293 (IV) of Oct. 21, 1949 (*A Decade of American Foreign Policy*, pp. 682-684).

211. The first two years of the new National Assembly reflected clearly the difficulties which it would be normal to expect in a body dealing with a new and unfamiliar political structure. It had become clear, long before the act of aggression occurred, that the Legislature was making good progress in its efforts to exert parliamentary control over all departments of government, and would not rest content until its relations with the Executive had been satisfactorily adjusted. The growing civic responsibility shown by the Legislature augured well for the future of representative government in Korea.

212. At the elections of 30 May 1950, the people showed very considerable enthusiasm, and the electoral machinery functioned well. Among the cases of interference with candidates which occurred, some were explainable in the light of the stringent precautions which the Government found it necessary to take in order to safeguard the stability and security of the State against the threat from the North. Although there appeared to be little justification for interference in some other cases, the results of the elections, in which many candidates critical of the Administration were returned, showed that the voters were in fact able to exercise their democratic freedom of choice among candidates, and had cast their votes accordingly. The results also showed popular support of the Republic, and a determination to improve the Administration by constitutional means.

213. The division of Korea added to the economic difficulties that had arisen at the end of the Japanese domination, and made it most difficult for the Republic of Korea to become self-supporting. Funds which might have been expended for the execution of the social and economic programme of the Republic were consumed by heavy defence expenditures. Nevertheless, when the aggression occurred, substantial progress was being made with that programme.

E. KOREAN NEEDS AND ASPIRATIONS

214. Serious problems of reconstruction and rehabilitation, particularly the grave refugee problem, already confront the country. To these problems will be added problems of yet greater magnitude when the military conflict comes to an end. It will be quite beyond the capacity of the country to provide from its own resources means for rehabilitation. A healthy and viable democracy in Korea cannot come into being unless very considerable aid and assistance are provided from outside Korea.

215. Finally, as the division of the country and the resulting antagonisms were artificial, the Commission believes that, when the conditions under which they arose disappear, it will be possible for the Korean people of both North and South to come again together, to live in peace and to build the strong foundations of a free, democratic Korea.

DONE in a single copy in the English language at House No. 328 at Camp Hialeah, Pusan, Korea, this fourth day of September in the year nineteen hundred and fifty.

Anup SINGH (*Chairman*) (*India*)
A. B. JAMIESON (*Rapporteur*) (*Australia*)
LIU Yu-Wan (*China*)
Angel Gochez MARIN (*El Salvador*)
Henri BRIONVAL (*France*)
Bernabe AFRICA (*The Philippines*)
Kamil IDIL (*Turkey*)
Bertil A. RENBORG (*Principal Secretary*)

22. CALL FOR THE SURRENDER OF THE NORTH KOREAN FORCES: Message From the Commander-in-Chief, United Nations Command, to the Commander-in-Chief, North Korean Forces, October 1, 1950¹

The early and total defeat and complete destruction of your armed forces and war making potential is now inevitable. In order that the decisions of the United Nations may be carried out with a minimum of further loss of life and destruction of property, I, as the United Nations Commander in Chief, call upon you and the forces under your command, in whatever part of Korea situated, forthwith to lay down your arms and cease hostilities under such military supervision as I may direct, and I call upon you at once to liberate all United Nations prisoners of war and civilian internees under your control and to make adequate provision for their protection, care, maintenance and immediate transportation to such places as I indicate. North Korean forces, including prisoners of war in the hands of the United Nations Command, will continue to be given the care dictated by civilized custom and practice and permitted to return to their homes as soon as practicable. I shall anticipate your early decision upon this opportunity to avoid the further useless shedding of blood and destruction of property.

Douglas MACARTHUR

¹ Doc. S 1829, printed in U.N. Security Council, *Official Records, Fifth Year, Supplement for September through December, 1950*, p. 70.

23. ESTABLISHMENT OF THE UNITED NATIONS COMMISSION FOR THE UNIFICATION AND REHABILITATION OF KOREA (UNCURK): Resolution 376 (V) of the United Nations General Assembly, October 7, 1950¹

The General Assembly,

Having regard to its resolutions of 14 November 1947 (112 (II)),² of 12 December 1948 (195 (III))³ and of 21 October 1949 (293 (IV)),⁴

Having received and considered the report⁵ of the United Nations Commission on Korea,

Mindful of the fact that the objectives set forth in the resolutions referred to above have not been fully accomplished and, in particular, that the unification of Korea has not yet been achieved, and that an attempt has been made by an armed attack from North Korea to extinguish by force the Government of the Republic of Korea,

Recalling the General Assembly declaration of 12 December 1948 that there has been established a lawful government (the Government of the Republic of Korea) having effective control and jurisdiction over that part of Korea where the United Nations Temporary Commission on Korea was able to observe and consult and in which the great majority of the people of Korea reside; that this government is based on elections which were a valid expression of the free will of the electorate of that part of Korea and which were observed by the Temporary Commission; and that this is the only such government in Korea,

Having in mind that United Nations armed forces are at present operating in Korea in accordance with the recommendations of the Security Council of 27 June 1950,⁶ subsequent to its resolution of 25 June 1950,⁷ that Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area,

Recalling that the essential objective of the resolutions of the General Assembly referred to above was the establishment of a unified, independent and democratic Government of Korea,

1. Recommends that

(a) All appropriate steps be taken to ensure conditions of stability throughout Korea;

(b) All constituent acts be taken, including the holding of elections, under the auspices of the United Nations, for the establishment of a

¹ U.N. General Assembly, *Official Records, Fifth Session, Supplement No. 20 (A/1775)*, pp. 9-10.

² *A Decade of American Foreign Policy*, pp. 677-678.

³ U.N. General Assembly, *Official Records, Third Session, Part I, Resolutions (A/810)*, pp. 25-27.

⁴ *A Decade of American Foreign Policy*, pp. 682-684.

⁵ U.N. General Assembly, *Official Records, Fifth Session, Supplement No. 18 (A/1350)*. For Part Four of the report, dated Sept. 4, 1950, see *supra*, doc. 21.

⁶ *Supra*, doc. 10.

⁷ *Supra*, doc. 8.

unified, independent and democratic government in the sovereign State of Korea;

(c) All sections and representative bodies of the population of Korea, South and North, be invited to co-operate with the organs of the United Nations in the restoration of peace, in the holding of elections and in the establishment of a unified government;

(d) United Nations forces should not remain in any part of Korea other than so far as necessary for achieving the objectives specified in sub-paragraphs (a) and (b) above;

(e) All necessary measures be taken to accomplish the economic rehabilitation of Korea;

2. Resolves that

(a) A Commission consisting of Australia, Chile, Netherlands, Pakistan, Philippines, Thailand and Turkey, to be known as the United Nations Commission for the Unification and Rehabilitation of Korea, be established to (i) assume the functions hitherto exercised by the present United Nations Commission on Korea; (ii) represent the United Nations in bringing about the establishment of a unified, independent and democratic government of all Korea; (iii) exercise such responsibilities in connexion with relief and rehabilitation in Korea as may be determined by the General Assembly after receiving the recommendations of the Economic and Social Council. The United Nations Commission for the Unification and Rehabilitation of Korea should proceed to Korea and begin to carry out its functions as soon as possible;

(b) Pending the arrival in Korea of the United Nations Commission for the Unification and Rehabilitation of Korea, the governments of the States represented on the Commission should form an Interim Committee composed of representatives meeting at the seat of the United Nations to consult with and advise the United Nations Unified Command in the light of the above recommendations; the Interim Committee should begin to function immediately upon the approval of the present resolution by the General Assembly;

(c) The Commission shall render a report to the next regular session of the General Assembly and to any prior special session which might be called to consider the subject-matter of the present resolution, and shall render such interim reports as it may deem appropriate to the Secretary-General for transmission to Members;¹

¹ Concerning the activities of UNCURK, see Reports of the U.N. Commission for the Unification and Rehabilitation of Korea for the periods (1) Oct. 7, 1950, to Sept. 1951 [U.N. General Assembly, *Official Records, Sixth Session, Supplement No. 12* (A/1881)]; (2) Sept. 5, 1951, to Aug. 28, 1952 [*ibid.*, *Seventh Session, Supplement No. 14* (A/2187)]; (3) Aug. 27, 1952, to Aug. 14, 1953 [*ibid.*, *Eighth Session, Supplement No. 13* (A/2441)]; (4) Aug. 14, 1953, to Aug. 17, 1954 [*ibid.*, *Ninth Session, Supplement No. 15* (A/2711)]; and (5) Aug. 17, 1954, to Sept. 7, 1955 [*ibid.*, *Tenth Session, Supplement No. 13* (A/2947)].

For the General Assembly resolutions dealing with the above reports, see Res. 597 (VI) of Feb. 5, 1952, *ibid.*, *Sixth Session, Supplement No. 20* (A/2119), p. 7; Res. 610 (VII) of Dec. 3, 1952, *infra*, doc. 62; no resolution concerning UNCURK's work was adopted at the eighth session of the General Assembly; Res. 811 (IX) of Dec. 11, 1954, *infra*, doc. 93; and Res. 910 (X) of Nov. 29, 1955, *infra*, doc. 94.

The General Assembly furthermore,

Mindful of the fact that at the end of the present hostilities the task of rehabilitating the Korean economy will be of great magnitude,

3. *Requests* the Economic and Social Council, in consultation with the specialized agencies, to develop plans for relief and rehabilitation on the termination of hostilities and to report to the General Assembly within three weeks of the adoption of the present resolution by the General Assembly;

4. *Also recommends* the Economic and Social Council to expedite the study of long-term measures to promote the economic development and social progress of Korea, and meanwhile to draw the attention of the authorities which decide requests for technical assistance to the urgent and special necessity of affording such assistance to Korea;

5. *Expresses* its appreciation of the services rendered by the members of the United Nations Commission on Korea in the performance of their important and difficult task;

6. *Requests* the Secretary-General to provide the United Nations Commission for the Unification and Rehabilitation of Korea with adequate staff and facilities, including technical advisers as required; and authorizes the Secretary-General to pay the expenses and *per diem* of a representative and alternate from each of the States members of the Commission.

24. SECOND CALL FOR THE SURRENDER OF THE NORTH KOREAN FORCES: Message From the Commander-in-Chief, United Nations Command, to the Commander-in-Chief, North Korean Forces, and to All North Koreans, October 9, 1950¹

In order that the decisions of the United Nations may be carried out with a minimum of further loss of life and destruction of property, I, as the United Nations Commander-in-Chief, for the last time call upon you and the forces under your command in whatever part of Korea situated, to lay down your arms and cease hostilities. And I call upon all north Koreans to cooperate fully with the United Nations in establishing a unified, independent and democratic government of Korea, assured that they will be treated justly and that the United Nations will act to relieve and rehabilitate all parts of a unified Korea. Unless immediate response is made by you in the name of the north Korean government, I shall at once proceed to take such military actions as may be necessary to enforce the decrees of the United Nations.

¹ Department of State *Bulletin*, Nov. 13, 1950, p. 763. This message was transmitted by radio broadcast and by leaflets dropped from planes.

**COORDINATION OF POLICY AND STRATEGY FOLLOWING
THE INCHON LANDING: Statement by the President on Wake
Island, October 15, 1950¹**

I have met with General of the Army Douglas MacArthur for the purpose of getting first-hand information and ideas from him. I did not wish to take him away from the scene of action in Korea any longer than necessary, and, therefore, I came to meet him at Wake. Our conference has been highly satisfactory.

The very complete unanimity of view which prevailed enabled us to finish our discussions rapidly in order to meet General MacArthur's desire to return at the earliest possible moment. It was apparent at the excellent coordination which has existed between Washington and the field, to which General MacArthur paid tribute, greatly facilitated the discussion.

After I had talked with General MacArthur privately, we met together with our advisers. These joint talks were then followed by technical consultations in which the following participated:

General MacArthur and Ambassador John Muccio; Mr. Averell Harriman, Special Assistant to the President; Secretary of the Army Frank Pace; General of the Army Omar N. Bradley, Chairman, Joint Chiefs of Staff; Admiral Arthur W. Radford, Commander in Chief of the Pacific Fleet; Assistant Secretary of State Dean Rusk; and Ambassador-at-large Philip C. Jessup.

Primarily, we talked about the problems in Korea which are General MacArthur's most pressing responsibilities. I asked him for information on the military aspects.

I got from him a clear picture of the heroism and high capacity of the United Nations forces under his command. We also discussed the steps necessary to bring peace and security to the area as rapidly as possible in accordance with the intent of the resolution of the United Nations General Assembly² and in order to get our armed forces out of Korea as soon as their United Nations mission is completed.

We devoted a good deal of time to the major problem of peaceful reconstruction of Korea which the United Nations is facing and to the contribution of which we intend to make the best contribution of which the United States is capable.

This is a challenging task which must be done properly if we are to achieve the peaceful goals for which the United Nations has been fighting.

The success which has attended the combined military effort must be supplemented by both spiritual and material rehabilitation. It is essentially a task of helping the Koreans to do a job which they can do themselves better than anyone else can do it for them.

Department of State *Bulletin*, Oct. 23, 1950, pp. 643-644.
Res. 376 (V) of Oct. 7, 1950; *supra*, doc. 23.

The United Nations can, however, render essential help with supplies and technical advice as well as with the vital problem of rebuilding their educational system.

Meanwhile, I can say I was greatly impressed with what General MacArthur and Ambassador Muccio told me about what has already been done and is now being done to bring order out of chaos and to restore to the Korean people the chance for a good life in peace.

For example, the main rail line from Inchon to Suwon was opened to rail traffic in less than 10 days after the Inchon landing. The rail line from Pusan to the west bank of the Han River opposite Seoul was open to one-way rail traffic about October 8. Bridge and highway reconstruction is progressing rapidly. Power and the water supply in Seoul were reestablished within a week after the reentry into the capital.

General MacArthur paid a particularly fine tribute to the service being rendered in Korea by Ambassador Muccio.

I asked General MacArthur also to explain at first hand his views on the future of Japan with which I was already generally familiar through his written reports. As already announced, we are moving forward with preliminary negotiations for a peace treaty to which Japan is entitled.

General MacArthur and I look forward with confidence to a new Japan which will be both peaceful and prosperous.

I also asked General MacArthur to tell me his ideas on the ways in which the United States can most effectively promote its policies of assisting the United Nations to promote and maintain international peace and security throughout the Pacific area.

On all these matters, I have found our talks most helpful and I am very glad to have had this chance to talk them over with one of America's great soldier-statesmen, who is also now serving in the unique position of the first Commander in Chief of United Nations peace forces.

We are fully aware of the dangers which lie ahead, but we are confident that we can surmount these dangers with three assets which we have:

- first, unqualified devotion to peace;
- second, unity with our fellow peace-loving members of the United Nations;
- third, our determination and growing strength.

C. CHINESE COMMUNIST INTERVENTION AND ITS CONSEQUENCES, NOVEMBER 1950-JUNE 1951

26. PRESENCE OF CHINESE COMMUNIST FORCES IN NORTH KOREA: Special Report of the Commander-in-Chief, United Nations Command, November 5, 1950¹

I herewith submit a special report of the United Nations Command operations in Korea which I believe should be brought to the attention of the United Nations.

Introduction:

The United Nations Forces in Korea are continuing their drive to the north and their efforts to destroy further the effectiveness of the enemy as a fighting force are proving successful. However, presently in certain areas of Korea, the United Nations Forces are meeting a new foe. It is apparent to our fighting forces, and our intelligence agencies have confirmed the fact, that the United Nations are presently in hostile contact with Chinese Communist military units deployed for action against the forces of the United Command.

The fact of intervention:

Hereafter, in summary form, are confirmed intelligence reports substantiating the fact that forces other than Korean are resisting our efforts to carry out the resolutions of the United Nations:

A. 22 August: Approximately 50 bursts heavy anti-aircraft fire from Manchurian side of Yalu River against RB-29 flying at 7000 feet over Korea in the vicinity of the Sui-Ho reservoir; damage, none; time 1600 K; weather, 10 miles visibility, high broken clouds.

B. 24 August: Approximately 40 bursts heavy anti-aircraft fire from Manchurian side of Yalu River against RB-29 flying at 10,000 feet over Korea in the vicinity of Sinuiju; damage, none, time 1500K; weather, 20 miles visibility.

C. 15 October: Anti-aircraft fire from the Manchurian side of Yalu River against a flight of 4 F-51's flying near the Sinuiju airfield on the Korean side of the river; damage, 1 aircraft total loss; time, 1445I; weather, overcast at 8000 feet; 8 to 10 miles visibility.

D. 16 October: The 370th Regiment of the 124th Division of the Chinese Communist 42nd Army, consisting of approximately 2,500 troops, crossed the Yalu River (Korean border) at Wan Po Jin, and proceeded to the area of Chosen and Fusen Dams in North Korea where they came in contact with UN forces approximately 40 miles north of Hamhung.

E. 17 October: Approximately 15 bursts heavy anti-aircraft fire from Manchurian side of Yalu River against RB-29 flying at 10,000 feet over Korea in the vicinity of Sinuiju; damage, none; time 1200I; weather, 8 miles visibility, low clouds 2,300 feet.

¹ U.N. doc. S/1884, Nov. 6, 1950.

F. 20 October: A Chinese Communist Task Force known as the "56th" unit consisting of approximately 5,000 troops crossed the Yalu River (Korean border) at Antung and deployed to positions in Korea south of the Sui-Ho Dam. A captured Chinese Communist soldier of this Task Force states that his group was organized out of the regular Chinese Communist 40th Army stationed at Antung, Manchuria.

G. 1 November: A flight of F-51's was attacked early in the afternoon by 6 to 9 Jet aircraft which flew across the Yalu River into Manchuria. No damage was done to US aircraft. A red star was observed on the top of the right wing on one of the Jet aircraft.

H. 1 November: Anti-aircraft fire from the Manchurian side of the Yalu River directed against a flight of 13 F-80 aircraft was observed in the vicinity of Sinuiju at 1345 hours. This resulted in the total loss of 1 UN aircraft.

I. 30 October: Interrogation of 19 Chinese prisoners of war identified two additional regiments of 124 CCF¹ Division, the 371 and the 372 in the vicinity of Changjin.

J. 2 November: Interrogation of prisoners of war indicates the 54 CCF unit in Korea. This unit is reported to have same organization as 55 and 56 units, but to be drawn from the 112, 113 and 114 Divisions of the 38 CCF Army.

K. 3 November: Further interrogation of Chinese prisoners of war indicates 56 CCF unit organized from elements of 118, 119 and 120 CCF Divisions of the 40 CCF Army.

L. 4 November: As of this date, a total of 35 CCF prisoners had been taken in Korea.

The continued employment of Chinese Communist forces in Korea and the hostile attitude assumed by such forces, either inside or outside Korea, are matters which it is incumbent upon me to bring at once to the attention of the UN.

27. CHINESE COMMUNIST INTERVENTION IN KOREA: Communiqué by the Commander-in-Chief, United Nations Command, November 6, 1950²

The military position of the United Nations forces in the western sector of North Korea is now sufficiently stabilized and information on enemy unit identifications adequately evaluated to permit me to put the situation growing out of the last few days' operations in proper perspective.

The Korean war was brought to a practical end with the closing of the trap on enemy elements north of Pyongyang and seizure of the east coastal area, resulting in raising the number of enemy prisoners of war in our hands to well over 135,000, which, with other losses amount-

¹ Chinese Communist Forces.

² Department of State *Bulletin*, Nov. 13, 1950, p. 763.

ing to over 200,000, brought casualties to 335,000, representing a fair estimate of North Korean total military strength.

The defeat of the North Koreans and destruction of their armies was thereby decisive. In the face of this victory of United Nations arms, the Communists committed one of the most offensive acts of international lawlessness of historic record by moving without any notice of belligerency elements of alien Communist forces across the Yalu River into North Korea and massing a great concentration of possible reinforcing divisions with adequate supply behind the privileged sanctuary of the adjacent Manchurian border.

A possible trap was thereby surreptitiously laid, calculated to encompass the destruction of the United Nations forces engaged in restoring order and the processes of civil government in the North Korean border area.

This potential danger was avoided with minimum losses only by the timely detection and skillful maneuvering of the United Nations commander responsible for that sector who, with great perspicacity and skill, completely revised the movement of his forces in order to achieve the greater integration of tactical power necessitated by the new situation, and avert any possibility of a great military reverse.

The present situation, therefore, is this:

While the North Korean forces with which we were initially engaged have been destroyed or rendered impotent for military action, a new and fresh army now faces us, backed up by a possibility of large alien reserves, and adequate supply within easy reach to the enemy but beyond the limits of our present sphere of military action.

Whether and to what extent these reserves will be moved forward to reinforce units now committed remains to be seen and is a matter of the gravest international significance.

Our present mission is limited to the destruction of those forces now arrayed against us in North Korea, with a view to achieving the United Nations' objective to bring unity and peace to the Korean nation and people.

28. RETENTION OF THE KOREAN-CHINESE FRONTIER:

Draft Resolution of the United Nations Security Council, November 10, 1950¹

The Security Council,

Recalling its resolution of 25 June 1950,² determining that the North Korean forces had committed a breach of the peace and calling upon all Members of the United Nations to refrain from giving assistance to the North Korean authorities,

Recalling the resolution adopted by the General Assembly on 7 October 1950,³ which sets forth the policies of the United Nations in respect to Korea,

¹ U.N. doc. S/PV 72, Nov. 30, 1950, pp. 22-23. As a result of a Soviet veto on Nov. 30, 1950, the draft resolution failed of adoption.

² *Supra*, doc. 8.

³ Res. 376 (V); *supra*, doc. 23.

Having noted from the special report of the United Nations Command in Korea dated 5 November 1950 ¹ that Chinese communist military units are deployed for action against the forces of the United Nations in Korea,

Affirming that United Nations forces should not remain in any part of Korea otherwise than so far as necessary for achieving the objectives of stability throughout Korea and the establishment of a unified independent and democratic government in the sovereign State of Korea, as set forth in the resolution of the General Assembly dated 7 October 1950,

Insistent that no action be taken which might lead to the spread of the Korean conflict to other areas and thereby further endanger international peace and security,

Calls upon all States and authorities, and in particular those responsible for the action noted above, to refrain from assisting or encouraging the North Korean authorities, to prevent their nationals or individuals or units of their armed forces from giving assistance to North Korean forces and to cause the immediate withdrawal of any such nationals, individuals, or units which may presently be in Korea;

Affirms that it is the policy of the United Nations to hold the Chinese frontier with Korea inviolate and fully to protect legitimate Chinese and Korean interests in the frontier zone;

Calls attention to the grave danger which continued intervention by Chinese forces in Korea would entail for the maintenance of such a policy;

Requests the Interim Committee on Korea and the United Nations Commission for the Unification and Rehabilitation of Korea to consider urgently and to assist in the settlement of any problems relating to conditions on the Korean frontier in which States or authorities on the other side of the frontier have an interest, and suggests that the United Nations Commission for the Unification and Rehabilitation of Korea proceed to the area as soon as possible, and, pending its arrival that it utilize the assistance of such States members of the Commission as now have representatives in the area for this purpose.

29. EXTENT OF THE CHINESE COMMUNIST INTERVENTION IN KOREA: Special Communiqué by the Commander-in-Chief, United Nations Command, November 28, 1950 ²

Enemy reactions developed in the course of our assault operations of the past four days disclose that a major segment of the Chinese continental armed forces in army, corps and divisional organization of an aggregate strength of over 200,000 men is now arrayed against the United Nations forces in North Korea.

¹ *Supra*, doc. 26.

² *Military Situation in the Far East: Hearings Before the Committee on Armed Services and the Committee on Foreign Relations, United States Senate, 82d Congress, 1st Session*, p. 3495. Reprinted from the *New York Times*, Nov. 29, 1950.

There exists the obvious intent and preparation for support of these forces by heavy reinforcements now concentrated within the privileged sanctuary north of the international boundary and constantly moving forward.

Consequently, we face an entirely new war. This has shattered the high hopes we entertained that the intervention of the Chinese was only of a token nature on a volunteer and individual basis as publicly announced, and that therefore the war in Korea could be brought to a rapid close by our movement to the international boundary and the prompt withdrawal thereafter of United Nations forces, leaving Korean problems for settlement by the Koreans themselves.

It now appears to have been the enemy's intent, in breaking off contact with our forces some two weeks ago, to secure the time necessary surreptitiously to build up for a later surprise assault upon our lines in overwhelming force, taking advantage of the freezing of all rivers and roadbeds which would have materially reduced the effectiveness of our air interdiction and permitted a greatly accelerated forward movement of enemy reinforcements and supplies. This plan has been disrupted by our own offensive action, which forced upon the enemy a premature engagement.

General MacArthur later issued this additional paragraph to the communiqué:

This situation, repugnant as it may be, poses issues beyond the authority of the United Nations military council—issues which must find their solution within the councils of the United Nations and chancelleries of the world.

30. ESTABLISHMENT OF THE UNITED NATIONS KOREAN RECONSTRUCTION AGENCY (UNKRA): Resolution 410 (V) of the United Nations General Assembly, December 1, 1950¹

A

The General Assembly,

Having regard to its resolution of 7 October 1950 on the problem of the independence of Korea,²

Having received and considered a report of the Economic and Social Council submitted in accordance with that resolution,³

Mindful that the aggression by North Korean forces and their warfare against the United Nations seeking to restore peace in the area has resulted in great devastation and destruction which the Korean people cannot themselves repair,

Recognizing that as a result of such aggression the people of Korea

¹ U.N. General Assembly, *Official Records, Fifth Session, Supplement No. 20 (A/1775)*, pp. 31–35.

² Res. 376 (V), *supra*, doc. 23.

³ See U.N. doc. A/1493

are desperately in need of relief supplies and materials and help in reconstructing their economy,

Deeply moved by the sufferings of the Korean people and determined to assist in their alleviation,

Convinced that the creation of a United Nations programme of relief and rehabilitation for Korea is necessary both to the maintenance of lasting peace in the area and to the establishment of the economic foundations for the building of a unified and independent nation,

Considering that, under the said resolution of 7 October 1950, the United Nations Commission for the Unification and Rehabilitation of Korea is the principal representative of the United Nations in Korea and hence must share in the responsibility for the work undertaken by the United Nations in furtherance of the objects and purposes mentioned in the said resolution,

Considering that it is nevertheless desirable to set up a special authority with broad powers to plan and supervise rehabilitation and relief and to assume such functions and responsibilities related to planning and supervision, to technical and administrative matters, and to questions affecting organization and implementation as are to be exercised under the plans for relief and rehabilitation approved by the General Assembly, such authority to carry out its responsibilities in close cooperation with the Commission,

A. ESTABLISHMENT OF THE UNITED NATIONS KOREAN RECONSTRUCTION AGENCY FOR THE RELIEF AND REHABILITATION OF KOREA

1. *Establishes* the United Nations Korean Reconstruction Agency (UNKRA) under the direction of a United Nations Agent General, who shall be assisted by one or more deputies. The Agent General shall be responsible to the General Assembly for the conduct (in accordance with the policies established by the General Assembly and having regard to such general policy recommendations as the United Nations Commission for the Unification and Rehabilitation of Korea may make) of the programme of relief and rehabilitation in Korea, as that programme may be determined from time to time by the General Assembly;

2. *Authorizes* the United Nations Commission for the Unification and Rehabilitation of Korea:

(a) To recommend to the Agent General such policies concerning the United Nations Korean Reconstruction Agency's programme and activities as the Commission may consider necessary for the effective discharge of the Commission's responsibilities in relation to the establishment of a unified, independent and democratic government in Korea;

(b) To determine, after consultation with the Agent General, the geographical areas within which the Agency shall operate at any time;

(c) To designate authorities in Korea with which the Agent General may establish relationships; and to advise the Agent General on the nature of such relationships;

(d) To take such steps as may be needed to support the Agent

General in fulfilling his task in accordance with the policies established by the General Assembly for relief and rehabilitation;

(e) To consider the reports of the Agent General to the General Assembly and to transmit any comments thereon to the Economic and Social Council and the General Assembly;

(f) To call for information on those aspects of the work of the Agent General which the Commission may consider necessary for the proper performance of its work;

3. *Authorizes* the Commission to consult from time to time with the Agent General in regard to the provisional programme adopted by the General Assembly on the recommendation of the Economic and Social Council and especially with regard to the adequacy of that programme to meet the needs of Korea as defined in the statement of general policy, and to make recommendations thereon to the Economic and Social Council;

4. *Directs* the Agent General:

(a) To co-ordinate his programme with measures taken by the United Nations Commission for the Unification and Rehabilitation of Korea to carry out the recommendations of the General Assembly relating to the establishment of a unified, independent and democratic government in Korea, and to support the Commission in fulfilling this task;

(b) To commence the operation of the programme in Korea at such time as may be agreed upon by the United Nations Unified Command, the United Nations Commission for the Unification and Rehabilitation of Korea and the Agent General;

(c) To consult with and generally be guided by the advice of the United Nations Commission for the Unification and Rehabilitation of Korea on the matters set forth under paragraph 2 (a) and be governed by its advice on the matters covered in paragraphs 2 (b) and 2 (c);

5. *Further directs* the Agent General, in the carrying out of his functions:

(a) To ascertain, after consultation with the designated authorities in Korea, the requirements for supplies and services for relief and rehabilitation made necessary by the consequences of armed conflict in Korea;

(b) To provide for the procurement and shipment of supplies and services and for their effective distribution and utilization within Korea;

(c) To consult with and assist the appropriate authorities in Korea with respect to measures necessary for the rehabilitation of the Korean economy and the effective distribution and utilization within Korea of supplies and services furnished;

(d) To submit reports to the General Assembly through the Secretary-General, transmitting copies simultaneously to the United

and to the Economic and Social Council;¹

(e) To be guided in matters of administration, to the extent consistent with the special requirements of the programme, by the rules and regulations established for the operation of the Secretariat of the United Nations;

Specifically he shall:

- (1) Select and appoint his staff in accordance with general arrangements made in agreement with the Secretary-General, including such of the staff rules and regulations of the United Nations as the Agent General and the Secretary-General shall agree are applicable;
- (2) Utilize, wherever appropriate, and within budgetary limitations, the existing facilities of the United Nations;
- (3) Establish, in consultation with the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions and in agreement with the Advisory Committee established under paragraph 6 below, financial regulations for the United Nations Korean Reconstruction Agency;
- (4) Arrange, in consultation with the Advisory Committee on Administrative and Budgetary Questions, for the rendering and audit of the accounts of the Agency under procedures similar to those applicable to the rendering and audit of the accounts of the United Nations;

6. *Establishes* an Advisory Committee consisting of representatives of five Member States to advise the Agent General with regard to major financial, procurement, distribution and other economic problems pertaining to his planning and operations.² The Committee shall meet on the call of the Agent General but not less than four

¹ Concerning the operations of UNKRA, see Reports of the Agent General of the U.N. Korean Reconstruction Agency for the periods (1) Dec. 1, 1950, to Jan. 16, 1952 [U.N. General Assembly, *Official Records, Sixth Session, Annexes, Agenda Items 17 and 27* (A/1935 and A/1935/Add. 1)]; (2) February 1951 to Sept. 15, 1952 [*ibid.*, *Seventh Session, Supplement No. 19* (A/2222), and *Supplement No. 19A* (A/2222, Addenda 1 and 2)]; (3) Sept. 15, 1952, to Sept. 30, 1953 [*ibid.*, *Eighth Session, Supplement No. 14* (A/2543)]; (4) Oct. 1, 1953, to Sept. 1, 1954 [*ibid.*, *Ninth Session, Supplement No. 20* (A/2750)]; and (5) Sept. 1, 1954, to June 30, 1955 [*ibid.*, *Tenth Session, Supplement No. 18* (A/2936)].

For the General Assembly resolutions dealing with the above reports of the Agent General, see (1) Res. 507 (VI) of Feb. 5, 1952, *ibid.*, *Sixth Session, Supplement No. 20* (A/2119), p. 7; (2) Res. 701 (VII) of Mar. 11, 1953, *ibid.*, *Seventh Session, Supplement No. 20A* (A/2361/Add. 1), p. 2; (3) Res. 725 (VIII) of Dec. 7, 1953, *ibid.*, *Eighth Session, Supplement No. 17* (A/2630), p. 12; (4) Res. 828 (IX) of Dec. 14, 1954, *ibid.*, *Ninth Session, Supplement No. 21* (A/2890), pp. 14-15; and (5) Res. 920 (X) of Oct. 25, 1955, *ibid.*, *Tenth Session, Supplement No. 19* (A/3116), p. 9.

² At the 326th plenary meeting on 15 December 1950, the General Assembly, on the nomination of the President, elected the following States Members to serve on the Advisory Committee established under the terms of paragraph 6 of section A of the above resolution: Canada, India, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and Uruguay.

times a year. The meetings of the Committee shall be held at the Headquarters of the United Nations except in special circumstances, when the Committee, after consultation with the Agent General, may meet elsewhere if it deems that this would be essential to the proper performance of its work. The Committee shall determine its own methods of work and rules of procedure;

7. *Requests* the Secretary-General, after consulting the United Nations Commission for the Unification and Rehabilitation of Korea and the Advisory Committee, to appoint the United Nations Agent General for Korean Reconstruction, and authorizes the Agent General to appoint one or more Deputy Agents General in consultation with the Secretary-General;

8. *Authorizes* the Secretary-General to establish a special account to which should be credited all contributions in cash, kind or services, the resources credited to the account to be used exclusively for the programme of relief and rehabilitation and administrative expenses connected therewith; and directs the Secretary-General to make cash withdrawals from the account upon request of the Agent General. The Agent General is authorized to use contributions in kind or services at his discretion;

9. *Recommends* that the Agent General in carrying out his functions:

(a) Make use at his discretion of facilities, services and personnel that may be available to him through existing national and international agencies and organizations both governmental and non-governmental;

(b) Consult with the Secretary-General and the heads of the specialized agencies before appointing his principal subordinate personnel in their respective fields of competence;

(c) Make use of the advice and technical assistance of the United Nations and the specialized agencies and, where appropriate, request them to undertake specific projects and special tasks either at their own expense or with funds made available by the Agent General;

(d) Maintain close contact with the Secretary-General for the purpose of ensuring fullest co-ordination of efforts of the organs of the United Nations and the specialized agencies in support of the programme;

10. *Authorizes* the Agent General to enter into agreements with such authorities in Korea as the United Nations Commission for the Unification and Rehabilitation of Korea may designate, containing terms and conditions governing measures affecting the distribution and utilization in Korea of the supplies and services furnished, in accordance with the statement of general policy on Korean relief and rehabilitation contained in section B of the present resolution;

11. *Requests* the Secretary-General to make available to the maximum extent possible, and subject to appropriate financial arrangements, such facilities, advice and services as the Agent General may request;

12. *Requests* the specialized agencies and non-governmental organizations to make available to the maximum extent possible, and sub-

ject to appropriate financial arrangements, such facilities, advice and services as the Agent General may request;

13. *Requests* the Economic and Social Council to review the reports of the Agent General and any comments which the United Nations Commission for the Unification and Rehabilitation of Korea may submit thereon, and such other data as may be available on the progress of relief and rehabilitation in Korea and to make appropriate reports and recommendations thereon to the General Assembly;

14. *Calls upon* all governments, specialized agencies and non-governmental organizations, pending the beginning of operations by the United Nations Korean Reconstruction Agency, to continue to furnish through the Secretary-General such assistance for the Korean people as may be requested by the Unified Command;

15. *Invites* countries not Members of the United Nations to participate in financing the programme of relief and rehabilitation in Korea;

B. STATEMENT OF GENERAL POLICY ON RELIEF AND REHABILITATION IN KOREA

16. *Approves* the following statement of general policy:

1. The United Nations programme of relief and rehabilitation in Korea is necessary to the restoration of peace and the establishment of a unified, independent and democratic government in Korea.

2. To this end, it is the objective of the United Nations to provide, subject to the limit of the resources placed at its disposal for this purpose, relief and rehabilitation supplies, transport and services, to assist the Korean people to relieve the sufferings and to repair the devastation caused by aggression, and to lay the necessary economic foundations for the political unification and independence of the country.

3. The United Nations programme of relief and rehabilitation for Korea shall be carried out in practice in such a way as to contribute to the rapid restoration of the country's economy in conformity with the national interests of the Korean people, having in view the strengthening of the economic and political independence of Korea and having in view that, in accordance with the general principles of the United Nations, such assistance must not serve as a means for foreign economic and political interference in the internal affairs of Korea and must not be accompanied by any conditions of a political nature.

4. The United Nations programme is to be a supplement to the general recovery effort that will be undertaken by the Korean people on their own initiative and responsibility, through the most effective utilization of their own resources as well as of the aid which is rendered under the programme.

5. Whilst the programme should be consistent with the pattern of long-term economic development in Korea, it is itself necessarily limited to relief and rehabilitation, and contributions and supplies

furnished under this programme shall be used exclusively for that purpose.

6. First priority shall be given to the provision of the basic necessities of food, clothing and shelter for the population of Korea and measures to prevent epidemics. Second highest priority shall be given to projects which will yield early results in the indigenous production of basic necessities; this will include the reconstruction of transport and power facilities. As the programme develops, emphasis should be shifted to the provision of other materials, supplies and equipment for the reconstruction or replacement of war-damaged facilities necessary to the economic life of the country.

7. The necessary measures shall be taken to ensure that distribution shall be so conducted that all classes of the population shall receive their equitable shares of essential commodities without discrimination as to race, creed or political belief.

8. Subject to adequate control, the distribution of supplies shall be carried out, as appropriate, through public and co-operative organizations, through nonprofit-making voluntary organizations such as the Red Cross, and through normal channels of private trade. At the same time, measures shall be taken to ensure that the cost of distribution and the profit from the sale of supplies are kept to the minimum. Measures shall be taken to ensure that the special needs of refugees and other distressed groups of the population are met through appropriate public welfare programmes, and accordingly the sale of relief supplies will take place only in justifiable cases and under conditions agreed upon with the United Nations Commission for the Unification and Rehabilitation of Korea.

9. The local currency proceeds derived from the sale of relief and rehabilitation supplies or, at the discretion of the Agent General, an amount commensurate with the value of goods and services supplied, shall be paid into an account under the control of the Agent General. The Agent General, after consultation with the United Nations Commission for the Unification and Rehabilitation of Korea, and in agreement with the Advisory Committee referred to in paragraph 6 of section A of the present resolution, shall use these funds for appropriate additional relief and rehabilitation activities within Korea, for the local currency expenses of the relief and rehabilitation operations of the United Nations, or for measures to combat inflation. The proceeds shall not be used for any other purpose.

10. The necessary economic and financial measures shall be taken by the authorities in Korea to ensure that the resources provided under the United Nations programme, as well as Korean resources, are effectively employed to aid in laying the economic foundations of the country. Among these, special attention should be given to measures to combat inflation, to sound fiscal and monetary policies, to the requisite pricing, rationing and allocation controls (including the pricing of goods imported under the programme), to the prudent use of Korean foreign exchange resources

together with promotion of exports, and to the efficient management of government enterprise.

11. Import taxes shall not be imposed on relief and rehabilitation supplies received under the United Nations programme.

12. The authorities in Korea should maintain such records and make such reports on the receipt, distribution and use of relief and rehabilitation supplies as may be determined by the Agent General after consultation with them.

13. All authorities in Korea shall freely permit the personnel of the United Nations to supervise the distribution of relief and rehabilitation supplies, including the examination of all storage and distribution facilities as well as records.

14. The personnel of the United Nations shall be accorded within Korea the privileges, immunities and facilities necessary for the fulfilment of their function.

15. All authorities in Korea and the Secretary-General shall use their best efforts to inform the people of Korea of the sources and purposes of the contributions of funds, supplies and services.

16. In determining Korea's needs for relief and rehabilitation, in drawing up programmes and plans, and in implementing such programmes and plans, the Agency created to administer the relief and rehabilitation programme should consult with and utilize, to the greatest extent feasible, the services of Korean authorities.

B

The General Assembly

1. *Requests* the President to appoint a Negotiating Committee composed of seven or more members for the purpose of consulting, as soon as possible during the current session of the General Assembly, with Member and non-member States as to the amounts which governments may be willing to contribute towards the financing of the programme for the relief and rehabilitation of Korea;¹

2. *Authorizes* the Negotiating Committee to adopt procedures best suited to the accomplishment of its task, bearing in mind:

(a) The need for securing the maximum contribution in cash;

(b) The desirability of ensuring that any contribution in kind is of a nature which meets the requirements of the contemplated programmes; and

(c) The degree of assistance which can be rendered by specialized agencies, non-member States and other contributors;

3. *Requests* that, as soon as the Negotiating Committee has ascertained the extent to which Member States are willing to make contributions, all delegations be notified accordingly by the Secretary-General in order that they may consult with their governments;

¹ In accordance with the terms of the above resolution, the President of the General Assembly, at the 318th plenary meeting on 4 December 1950, announced that he had appointed a Negotiating Committee, composed of the following States Members: Canada, Egypt, France, India, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and Uruguay.

4. *Decides* that, as soon as the Negotiating Committee has completed its work, the Secretary-General shall, at the Committee's request, arrange, during the current session of the General Assembly, an appropriate meeting of Member and non-member States at which Members may commit themselves to their national contributions and the contributions of non-members may be made known.

31. LABELING AS AGGRESSION THE CHINESE COMMUNIST INTERVENTION IN KOREA: Statement by the United States Representative at the United Nations¹ Before the United Nations General Assembly, December 6, 1950²

The General Committee has recommended that the General Assembly might include on its agenda an item entitled: Intervention of the Central People's Government of the People's Republic of China in Korea.³ I speak in support of the recommendation of the General Committee.

My Government has joined with the Governments of Cuba, Ecuador, France, Norway, and the United Kingdom in requesting that the General Assembly consider this item as an important and urgent question. No delegate here can have any doubt as to just how important and how urgent this question is.

The United Nations forces who are carrying out in Korea the task assigned to them by the Security Council are under attack by the armed forces of the Peiping regime. Little more than a month ago, it seemed that the United Nations forces would soon complete their assigned task. Then came the intervention of the Chinese Communist forces.

The Security Council immediately took up this new threat to the peace. On November 10 the same Governments which are now asking the Assembly to consider this item introduced into the Security Council a resolution designed to hasten the end of the conflict, to keep it localized in Korea, and to assure states and authorities on the other side of Korea's northern frontier that their legitimate interests would be protected.⁴

The Security Council also invited a representative of the Central People's Government of the People's Republic of China to attend its meetings on this question. The Council deferred its vote on the joint draft resolution until this representative arrived. Members of the Council then saw for themselves that the representative declined to answer questions relating to his government's actions in Korea. He said that the Chinese soldiers fighting there were volunteers. He also said that the Chinese People's Republic considered there

¹ Warren R. Austin.

² Department of State *Bulletin*, Dec. 18, 1950, pp. 989-990.

³ For subsequent Res. 498 (V), Feb. 1, 1951, see *infra*, doc. 42.

⁴ U.N. doc. S/1894, Nov. 10, 1950; *supra*, doc. 28.

were no grounds for hindering the dispatch to Korea of volunteers.¹

The Security Council voted on the joint draft resolution on November 30. The resolution was not adopted, because of the negative vote of one of the permanent members, the Soviet Union.

It seems clear to the six sponsors of the joint draft resolution that no fruitful action can be expected, at this time, from the Security Council in view of this attitude of one of the permanent members.

Under these circumstances, the Governments which sponsored that resolution believe that the question of Communist intervention in Korea should be considered by the General Assembly as an important and urgent matter.

The proposed agenda item puts before this Assembly one of the greatest questions faced by the United Nations. It may involve the whole future of the United Nations. It may involve the peace of the world. All the processes of the United Nations should be invoked in an effort to put an end to the threat to world peace.

My Government believes that world opinion should be brought to bear on this question and that the full weight of that opinion should be made clear to the authorities of Peiping. Full and frank discussions by the General Assembly can best bring light upon the real nature of Chinese Communist intervention in Korea, its portent for the future of peace, the gravity with which it is viewed by the nations of the world, and how the processes of the United Nations can bring about a solution.

Asking the General Assembly to consider this question, at this time, is the symbol of our belief in the United Nations and in its ability to maintain international peace.

My Government, therefore, urges the General Assembly to include this item on its agenda, to proceed quickly and soberly to consider the situation, and to make the necessary recommendations.

32. ESTABLISHMENT OF A GROUP FOR A CEASE-FIRE IN KOREA: Resolution 384 (V) of the United Nations General Assembly, December 14, 1950²

The General Assembly,

Viewing with grave concern the situation in the Far East,

Anxious that immediate steps should be taken to prevent the conflict in Korea spreading to other areas and to put an end to the fighting in Korea itself, and that further steps should then be taken for a peaceful settlement of existing issues in accordance with the Purposes and Principles of the United Nations,

¹ For the text of the remarks by the Chinese Communist representative, see U.N. doc. S/PV. 527, Nov. 28, 1950.

² U. N. General Assembly *Official Records, Fifth Session, Supplement No. 20* (A/1775), p. 15.

Requests the President of the General Assembly to constitute a group of three persons, including himself, to determine the basis on which a satisfactory cease-fire in Korea can be arranged and to make recommendations to the General Assembly as soon as possible.¹

33. CONTROL OF ECONOMIC RELATIONS BETWEEN THE UNITED STATES AND COMMUNIST CHINA AND NORTH KOREA: Statement by the Department of State, December 16, 1950²

The United States Government is taking measures today to place under control all Chinese Communist assets within United States jurisdiction and is issuing regulations to prohibit ships of United States registry from calling at Chinese Communist ports until further notice as steps necessary to accomplish the effective control of the economic relationships between the United States and Communist China envisaged by the institution, on December 3, 1950, of the requirement that no exports would be permitted to Communist China from the United States without validated export licenses.³

This action has been forced upon us by the intervention of Chinese Communist military forces in Korea. In view of the commitment of Chinese resources in this unprovoked aggressive activity, this Government cannot permit the Chinese Communists to have access to United States supplies or assets in the United States, the use of which under present circumstances clearly runs counter to the interests and objectives of the United Nations in the Far Eastern crisis.

It is not our desire that this be a permanent restriction. As long as a willful group of Chinese Communist leaders are willing to subvert their national interests and the welfare of the Chinese people to the designs of international Communist imperialism, it is impossible for this Government to act otherwise. If the Chinese Communists choose to withdraw their forces of aggression and act in conformity with United Nations principles, this Government will be prepared promptly to consider removing restrictions and restoring normal trade relations.

The same controls also are being applied to North Korean assets at this time. This is purely an administrative measure since North Korean assets are negligible.

The Departments of Commerce and Treasury are issuing the necessary regulations. Copies of these will be available from them.

¹ At the 325th plenary meeting of the General Assembly, Dec. 14, 1950, the Assembly's President (Lester B. Pearson of Canada) announced that, in addition to himself, he had appointed Sir Benegal Rau of India and Nasrollah Entezam of Iran to the cease-fire group.

² Department of State *Bulletin*, Dec. 25, 1950, p. 1004.

³ 15 *Fed. Reg.* 9040 ff.

34. DESIGNATION OF KOREA AS A COMBAT ZONE AS OF JUNE 27, 1950: Executive Order 10195, December 20, 1950¹

Pursuant to the authority vested in me by section 22 (b) (13) of the Internal Revenue Code,² as amended by section 202 (a) of the Revenue Act of 1950, approved September 23, 1950 (Public Law 814, 81st Congress),³ there is hereby designated, for the purposes of paragraph (13) of section 22 (b) of the Internal Revenue Code, as an area in which armed forces of the United States have engaged in combat:

Korea, including the waters adjacent thereto within the following-described limits: From a point at Lat. 39°30' N, Long. 122°45' E southward to Lat. 33° N, Long. 122°45' E; thence eastward to Lat. 33° N, Long. 127°55' E; thence northeastward to Lat. 37°05' N, Long. 133° E; thence northward to Lat. 40°40' N, Long. 133° E; thence northwestward to a point on the east coast of Korea at the juncture of Korea with the U.S.S.R.

The date of the commencing of combatant activities in such area is hereby designated as June 27, 1950.

35. REPORT OF THE UNITED NATIONS GROUP ON A CEASE-FIRE IN KOREA TO THE FIRST COMMITTEE OF THE GENERAL ASSEMBLY, JANUARY 2, 1951⁴

1. On 14 December 1950 the General Assembly adopted the following resolution [384 (V)] which had been sponsored by thirteen Asian Powers:

"The General Assembly,

"Viewing with grave concern the situation in the Far East,

"Anxious that immediate steps should be taken to prevent the conflict in Korea spreading to other areas and to put an end to the fighting in Korea itself, and that further steps should then be taken for a peaceful settlement of existing issues in accordance with the Purposes and Principles of the United Nations,

*"Requests the President of the General Assembly to constitute a group of three persons, including himself, to determine the basis on which a satisfactory cease-fire in Korea can be arranged and to make recommendations to the General Assembly as soon as possible."*⁵

2. In pursuance of the resolution, the President forthwith constituted a group consisting of Mr. L. B. Pearson of Canada, Sir Benegal N. Rau of India and himself, and announced this fact to

¹ 15 *Fed. Reg.* 9177; Department of State *Bulletin*, Jan. 22, 1951, p. 149.

² 56 *Stat.* 814.

³ 64 *Stat.* 927-928.

⁴ U.N. General Assembly, *Official Records, Fifth Session, Annexes, Agenda Item 76*, pp. 6-8. The bracketed insertion in the first paragraph appears in the *Official Records*.

⁵ *Ibid.*, Supplement No. 20 (A/1775), p. 15.

the General Assembly. The Group met almost immediately afterwards and decided to associate the Secretary-General of the United Nations with its work.

3. A copy of the resolution was sent on 15 December to General Wu, the representative of the Central People's Government of the People's Republic of China, who was then in New York.

4. On 15 December, as a first step in carrying out its task, the Group consulted the representatives of the Unified Command as to what they considered to be a satisfactory basis for a cease-fire. The suggestions which emerged from this consultation, and which in the circumstances the Group felt constituted a reasonable basis for discussion, are summarized below:

(a) All governments and authorities concerned, including the Central People's Government of the People's Republic of China and the North Korean authorities, shall order and enforce a cessation of all acts of armed force in Korea. This cease-fire shall apply to all of Korea.

(b) There shall be established a demilitarized area across Korea of approximately twenty miles in depth with the southern limit following generally the line of the 38th parallel.

(c) All ground forces shall remain in position or be withdrawn to the rear; forces, including guerrillas, within or in advance of the demilitarized area, must be moved to the rear of the demilitarized area; opposing air forces shall respect the demilitarized zone and the areas beyond the zone; opposing naval forces shall respect the waters contiguous to the land areas occupied by the opposing armed forces to the limit of three miles from shore.

(d) Supervision of the cease-fire shall be by a United Nations commission whose members and designated observers shall ensure full compliance with the terms of the cease-fire. They shall have free and unlimited access to the whole of Korea. All governments and authorities shall co-operate with the cease-fire commission and its designated observers in the performance of their duties.

(e) All governments and authorities shall cease promptly the introduction into Korea of any reinforcing or replacement units or personnel, including volunteers, and the introduction of additional war equipment and material. Such equipment and material will not include supplies required for the maintenance of health and welfare and such other supplies as may be authorized by the cease-fire commission.

(f) Prisoners of war shall be exchanged on a one-for-one basis, pending final settlement of the Korean question.

(g) Appropriate provision shall be made in the cease-fire arrangements in regard to steps to ensure (i) the security of the forces; (ii) the movement of refugees, and (iii) the handling of other specific problems arising out of the cease-fire, including civil government and police power in the demilitarized zone.

(h) The General Assembly should be asked to confirm the cease-fire arrangements, which should continue in effect until superseded by further steps approved by the United Nations.

5. The Group then attempted to consult the Central People's Government of the People's Republic of China and, for this purpose, sent a message by hand to General Wu and repeated it by cable to the Minister for Foreign Affairs in Peking. The text of this message is reproduced below:

"16 December 1950

"As you have already been informed by resolution 384 (V) a copy of which was sent to you yesterday, a Committee was set up by the General Assembly of the United Nations on the previous day, 14 December, consisting of myself and my two colleagues, Sir Benegal Rau of India and Mr. L. B. Pearson of Canada, charged with the duty of determining whether it is possible to arrange appropriate and satisfactory conditions for a cease-fire in Korea. The purpose of this cease-fire in Korea will be to prevent the conflict from spreading to other areas, to put an end to the fighting in Korea, and to provide an opportunity for considering what further steps should be taken for a peaceful settlement of existing issues, in accordance with the purposes and principles of the United Nations.

"The above Committee has now met representatives of the Unified Command in Korea, and has discussed with them, in an exploratory manner, possible conditions upon which a cease-fire might be established. Since the Government of the Communist People's Republic of China has expressed strong views on the future of Korea and about the present state of warfare in that country, and since Chinese are participating in that warfare, the Committee wishes also to discuss with your Government or its representatives, and with the military authorities in command of the forces operating in North Korea, possible conditions upon which a cease-fire might be established. For this purpose, we desire to see you at your earliest convenience, and we should be grateful to know when a meeting can be arranged.

"We realize that your Government which sent you here with other objects in mind, may prefer other arrangements by which a cease-fire can be discussed with them. We wish your Government to know that, in the interest of stopping the fighting in Korea and of facilitating a just settlement of the issues there in accordance with the principles of the United Nations Charter, we are prepared to discuss cease-fire arrangements with your Government or its representatives either here or elsewhere, as would be mutually convenient. We urge only that arrangements for these discussions should be made with the least possible delay. With this in mind, we are sending the text of this communication directly to your Government by telegram.

"Nasrollah ENTEZAM"

6. On 18 December, Mr. Pearson, on behalf of the Group, submitted a brief preliminary account of its activities to the First Committee, hoping that a fuller report would be made in the near future.

7. On 16 December, the President, acting on behalf of the Group, had availed himself of the good offices of the Swedish delegation to transmit, through the Swedish Embassy in Peking, a request to the Central People's Government that General Wu should be instructed to stay on in New York and discuss with the Group the possibility of arranging a cease-fire. The reply to the request, communicated to the President on 21 December through the same channel, was as follows:

"The Central People's Government acknowledges receipt of a message dated 18 December 1950 from Mr. Entezam, President of the General Assembly, transmitted via the Swedish Government and asks the Swedish Government to transmit the following reply to Mr. Entezam, President of the General Assembly:

"The representative of the People's Republic of China neither participated in nor agreed to the adoption of the resolution concerning the so-called three-man Committee for Cease-Fire in Korea by United Nations General Assembly. The Central People's Government has repeatedly declared that the Central People's Government would regard as illegal and null and void all major resolutions, especially those concerning Asia, which might be adopted by the United Nations without the participation and approval of the duly appointed representatives of the People's Republic of China. Therefore, the Central People's Government cannot instruct its representative General Wu to continue to remain in Lake Success for negotiations with the above-mentioned three-man illegal Committee. After the Security Council unreasonably voted against the complaint against the United States armed aggression against Taiwan raised by the People's Republic of China,¹ General Wu was instructed by the Central People's Government to continue to stay at Lake Success for participation in the discussion of the complaint of United States aggression against China submitted by the U. S. S. R. representative;² although he has waited for a long time and until the United Nations General Assembly was declared adjourned, he was still not given the opportunity to speak. Under such circumstances, the Central People's Government deems that there is no more necessity for General Wu and his staff to remain at Lake Success and has therefore instructed him to start their homeward journey on 19 December.

"As to the question of how the United Nations may get in touch with the Korean Democratic People's Republic, the Central People's Government is of the opinion that the United Nations should address direct inquiry to the Government of the Korean Democratic People's Republic."

8. On 19 December, acting on a recommendation from the sponsors of the twelve-Power draft resolution (A/C.1/642) introduced in the

¹ Action of Nov. 30, 1950; U.N. Security Council, *Official Records, Fifth Year, No. 72*. See also *United States Participation in the United Nations: Report by the President to the Congress for the Year 1950* (Department of State publication 4178; 1951), pp. 51-56.

² *Ibid.*, pp. 56-58.

First Committee on 12 December, the Group sent another message to the Foreign Minister of the Central People's Government. This was intended to remove any possible misunderstandings which may have arisen out of the separation of the twelve-Power resolution from the thirteen-Power resolution [384 (V)] adopted by the General Assembly on 14 December. The text of the message is given below:

"Mr. Chou En-lai,
"Minister for Foreign Affairs,
"Central People's Government of the People's Republic of China
"Peking, China

"In the consideration which you are giving to our earlier message, we are anxious that there should be no misunderstanding as to the relationship between the United Nations resolution establishing a cease-fire group and the resolution proposed by twelve Asian governments recommending appointment of a committee to meet as soon as possible and make recommendations for a peaceful settlement of existing issues in Far East. It is our clear understanding and also that of the twelve Asian sponsors, that once a cease-fire arrangement had been achieved, the negotiations visualized in the second resolution should be proceeded with at once. Indeed, the preamble to the cease-fire resolution states specifically that steps should be taken for a peaceful settlement when fighting in Korea is ended. It is also our view, as well as that of the twelve Asian governments sponsoring the second resolution, that the Government of the People's Republic of China should be included in the negotiating committee referred to in that resolution. We feel that this committee could become an effective channel for seeking peaceful solution of existing issues in the Far East between the United States, the United Kingdom, the Soviet Union and China. For that purpose, in our opinion, it should be set up with a minimum of delay, but to make that possible a "cease-fire" arrangement must be put into effect. This point of view has been communicated to your delegation which left New York today, and we express the hope that you will give full weight to it.

"Nasrollah ENTEZAM
"President of the General Assembly
"Sir Benegal RAU
"Lester B. PEARSON"

9. On 23 December, the President of the General Assembly, in his capacity as such, received from the Foreign Minister of the Central People's Government of the People's Republic of China the text of a statement issued by the latter in Peking on 22 December explaining the attitude of the Central People's Government on the resolution constituting the Group on Cease-Fire in Korea and on the peaceful settlement of the Korean question. This document is

reproduced as an Annex.¹ It appears to be in the nature of an answer to the Group's message of 16 December.

10. In these circumstances, and in spite of its best efforts, the Group regrets that it has been unable to pursue discussion of a satisfactory cease-fire arrangement. It therefore feels that no recommendation in regard to a cease-fire can usefully be made by it at this time.

36. PRINCIPLES ADOPTED BY THE UNITED NATIONS GROUP ON A CEASE-FIRE IN KOREA, JANUARY 11, 1951²

The objective shall be the achievement, by stages, of the programme outlined below for a cease-fire in Korea, for the establishment of a free and united Korea, and for a peaceful settlement of Far Eastern problems.

1. In order to prevent needless destruction of life and property, and while other steps are being taken to restore peace, a cease-fire should be immediately arranged. Such an arrangement should contain adequate safeguards for ensuring that it will not be used as a screen for mounting a new offensive.

2. If and when a cease-fire occurs in Korea, either as a result of a formal arrangement or, indeed, as a result of a lull in hostilities pending some such arrangement, advantage should be taken of it to pursue consideration of further steps to be taken for the restoration of peace.

3. To permit the carrying out of General Assembly resolution [376 (V)]³ that Korea should be a unified, independent, democratic, sovereign State with a constitution and a government based on free popular elections, all non-Korean armed forces will be withdrawn, by appropriate stages, from Korea, and appropriate arrangements, in accordance with United Nations principles, will be made for the Korean people to express their own free will in respect of their future government.

4. Pending the completion of the steps referred to in the preceding paragraph, appropriate interim arrangements, in accordance with United Nations principles, will be made for the administration of Korea and the maintenance of peace and security there.

5. As soon as agreement has been reached on a cease-fire, the General Assembly shall set up an appropriate body which shall include representatives of the Governments of the United Kingdom, the United States of America, the Union of Soviet Socialist Republics and the People's Republic of China, with a view to the achievement of a settlement, in conformity with existing international obligations

¹ Not printed here. See U.N. General Assembly, *Official Records, Fifth Session, Annexes, Agenda Item 76*, pp. 8-10.

² *Ibid.*, p. 13.

³ *Supra*, doc. 23.

and the provisions of the United Nations Charter, of Far Eastern problems, including, among others, those of Formosa (Taiwan) and of the representation of China in the United Nations.

37. TRANSMITTAL OF THE PRINCIPLES ADOPTED BY THE UNITED NATIONS GROUP ON A CEASE-FIRE IN KOREA TO THE CHINESE COMMUNIST REGIME: Resolution of the First Committee of the United Nations General Assembly, January 13, 1951¹

The First Committee

Invites the Chairman of the First Committee, through the Secretary-General, to transmit the principles approved by it on 13 January 1951² to the Central People's Government of the People's Republic of China and invite that Government to inform him as soon as possible whether it accepts those principles as a basis for the peaceful settlement of the Korean problem and other Far Eastern problems.³ Upon the receipt of the reply from the Central People's Government of the People's Republic of China, the Chairman of the First Committee will convene the Committee to consider that reply.

38. LABELING THE CHINESE COMMUNISTS AS AGGRESSORS IN KOREA: Resolution of the House of Representatives, January 19, 1951⁴

Resolved, That it is the sense of the House of Representatives that the United Nations should immediately act and declare the Chinese Communist authorities an aggressor in Korea.

39. LABELING THE CHINESE COMMUNISTS AS AGGRESSORS IN KOREA: Resolution of the United States Senate, January 23, 1951⁵

Resolved, That it is the sense of the Senate that the United Nations should immediately declare Communist China an aggressor in Korea.

¹ U.N. General Assembly, *Official Records, Fifth Session, First Committee Meetings*, p. 500.

² i.e., the principles adopted by the General Assembly's Group on a Cease-Fire in Korea on Jan. 11, 1951; *supra*.

³ See the reply of Jan. 17, 1951, by Chou En-lai, the Chinese Communist Foreign Minister, declining to accept the principles (Department of State *Bulletin*, Jan. 29, 1951, pp. 165-166) and Secretary Acheson's comments of the same date (*ibid.*, p. 164).

⁴ H. Res. 77, 82d Cong., 1st sess.

⁵ S. Resolution 35, 82d Cong., 1st sess.

40. CONDEMNATION OF CHINESE COMMUNIST AGGRESSION IN KOREA: Statement by the United States Representative at the United Nations¹ Before Committee I of the U.N. General Assembly, January 24, 1951²

Mr. Chairman: The present stage of debate in this Committee reveals a situation which is confused and uncertain. We must not let our minds be taken away from essential facts and basic principles. The facts are not in dispute. The principles are the principles of the Charter. This Committee should stop a moment and consider calmly and objectively the essential elements of the situation which confronts us. What are these elements?

First, an organized armed aggression was committed by the forces of North Korea against the Republic of Korea across the 38th parallel on June 25, 1950. The facts of this aggression are unchallengeable. They were established by the United Nations Commission in Korea.³ Let us at the very beginning be absolutely clear about these events. There would have been no fighting in Korea except for that aggression. Further, that aggression was committed with the encouragement, participation, and support of the authorities in both Peiping and Moscow who furnished manpower and supplies to enable the aggression to occur. Interrogation of prisoners of war taken by the United Nations forces reveals that long before June 25, Communist China provided to North Korean authorities large numbers of military personnel of Korean ancestry, estimated at 50,000 troops, drawn from the forces of Communist China.

Most of the military supplies came from the Soviet Union. At the very beginning of this aggression, the Security Council passed two resolutions on June 25 and June 27.⁴ I should like to urge that delegates reread these resolutions. They still apply to the present situation. Those resolutions and the action taken by the United Nations thereafter illustrated a principle of the Charter in operation; the United Nations was in fact and in deed fulfilling its purpose to maintain international peace and security and to that end taking collective measures for the suppression of an act of aggression.

Another essential element is that the Peiping regime has put its own organized armed forces into Korea to assist the North Koreans. It has committed a special offense in waging war against the United Nations. It has affronted the United Nations by the pretense that these forces are volunteers. Does anyone in this room really believe that the intervention in Korea of the Chinese Communists' troops is a spontaneous act by the Chinese people and not an official decision of the Peiping regime? Does anyone believe that this intervention does not in fact and in law constitute aggression as that word is used in the Charter?

¹ Warren R. Austin.

² Department of State *Bulletin*, Feb. 5, 1951, pp. 203-205, 220. For a similar statement by the U.S. Representative on Nov. 28, 1950, in the United Nations Security Council, see Department of State *Bulletin*, Dec. 11, 1950, pp. 929-936.

³ See *supra*, pp. 2537-2538.

⁴ See *supra*, pp. 2538-2539 and 2540-2541.

These are the facts from which we must start. What is the United Nations called upon to do in this present situation? We must oppose and not reward the aggression. The first article of the Charter states that it is the purpose of the United Nations to maintain international peace and to that end to take effective collective measures for the prevention and removal of threats to the peace and for the suppression of acts of aggression and to bring about by peaceful means and in conformity with the principles of justice and international law adjustment or settlement of situations. What does this mean? It means the withdrawal of Chinese Communist forces from Korea where they have no right to be. Fundamental to the present situation is the fact that the United Nations forces are in Korea to repel aggression and to restore peace. United Nations forces should leave Korea when these missions are accomplished. United Nations forces should not leave Korea under such conditions as would invite an early resumption of North Korean or Chinese Communist aggression.

A second step is to settle the Korean problem. On what basis? The United Nations gave long consideration to this last October before the General Assembly adopted its resolution of October 7, 1950.¹ That resolution is as valid today as it was then because it is in accordance with the principles of the Charter. We might all pause and reread that resolution and refresh our recollection of what are the United Nations objectives in Korea and how they should be achieved. The resolution adopted by the General Assembly also sets forth conditions for the withdrawal of United Nations forces.

A third step to bring about a general easing of the tension in the Far East is to turn to the peaceful settlement of other Far Eastern questions. As far as the United States is concerned, we are ready at all times to take part in appropriate processes of peaceful settlement for these and other questions. The United States Government takes seriously its solemn obligations under article 33 of the Charter. If discussions are held, the United States will enter them in good faith. We will not commit ourselves in advance nor will we insist in advance, as the Chinese Communists do, that the discussions must lead to a predetermined result in our favor.

Where are we now in terms of carrying out the purposes of this great organization? What has been happening since the Chinese Communist intervention began and this Committee started dealing with the problem?

It has been 7 weeks since the General Assembly put this item on its agenda as an important and urgent matter. In the weeks which intervened, the Committee and its members have made unceasing efforts to bring about in Korea peace with justice, in accordance with principles of international law and the Charter. All these efforts were rebuffed by Peiping.

The final effort was made on January 13 with the transmission to Peiping of the five principles representing the minimum basis on which an honorable settlement could be achieved.² On January 17, the

¹ See *supra*, pp. 2576-2578.

² See *supra*, doc. 37.

Peiping regime flatly rejected the five principles. Its response, including its so-called counterproposal,¹ was utterly unacceptable. This final effort at peaceful settlement having been rebuffed, the United States introduced its resolution setting forth the undisputed facts and providing for further steps which, we believe, the United Nations is called upon to take under the Charter.²

This is where things stood when Sir Benegal Rau reported a further communication from Peiping to the Indian Ambassador.³ The United States has great respect for India and for Sir Benegal's sincerity. We admire his efforts, but, as the Philippine delegate said, we cannot agree that this new communication changes very much.

In the first place, what is the status and character of this communication and to whom is it addressed? Does it purport to supersede the response from Chou En-lai dated January 17, or is it merely an amplification of the earlier response? If it is in answer to some questions put to the Peiping government, what were those questions? Has the Peiping government reconsidered its earlier reply, and does it wish now to make a further communication to the United Nations? If that is so, there are simple ways for making such official and responsible communications and the Chinese Communists know how to do it. The United States does not wish ever in any case to close the door to the possibility of negotiation and settlement by peaceful means in an honorable way. Nor do we wish to be lacking in decent respect for the opinion of others. But this latest communication from Peiping appears to have all the aspects of a dusty answer. It appears to be designed to confuse the United Nations, to divide its members, and to obelucid the issues that are before us.

If we read the proposal as a new offer to the United Nations and give it the benefit of every doubt as to its purport and its purposes, one thing remains clear: it is not an acceptance of the United Nations' proposal of January 13. Nowhere does it recognize the United Nations or the resolutions of this Assembly.

The latest communication talks of a cease-fire for a limited time. Does that mean that the negotiations might be interrupted at any moment by a new attack from the Chinese Communists because the talks were not going in exactly the way they wish? Are they seriously asking the United Nations to enter discussions in such circumstances? The five principles contemplated the immediate arrangement of a cease-fire to continue in effect until superseded by further steps approved by the United Nations.

The Chinese Communist response does not accept the principle that all non-Korean troops shall be withdrawn by appropriate stages from Korea. Instead, it says only that the Central People's Government will "advise" Chinese volunteers to return to China if the principle that all foreign troops should be withdrawn from Korea has been accepted and is being put into practice. In other words, the United

¹ See *United States Policy in the Korean Conflict, July 1950-February 1951* (Department of State publication 4263), pp. 35-36.

² See *infra*, doc. 42.

³ U.N. General Assembly, *Official Records, Fifth Session, First Committee, Meetings*, p. 525.

Nations forces are to be treated as having less right in Korea than the forces of the aggressor, and only after the withdrawal of United Nations forces has begun will the Central People's Government "advise" its troops to go home.

Further, the cease-fire is not to be arranged in advance, but it is to be negotiated by a 7-nation group while hostilities are still in progress. Later negotiations, after the limited cease-fire, are agreed to by the Central People's Government only in terms which prejudice the outcome according to that Government's desires. Is this negotiation or discussion in the accepted meaning of the word? Is this what this committee had in mind when it transmitted the basis for a cease-fire to Peiping?

Finally, the response demands, and I am now quoting the language read to us by Sir Benegal on Monday, "The definite affirmation of the legitimate status of the People's Republic of China in the United Nations must be insured." This presumably means that the United Nations is given an ultimatum that it must agree to accept a government currently an aggressor as the representative of China. The decision as to which government should represent China in the United Nations is a decision to be made by the United Nations. We have every confidence that it will be made soberly and justly, taking into account all the relevant circumstances. Surely, one of these relevant circumstances is the behavior of the Peiping regime and the fact that its armies are now on foreign soil as an invader, presently in battle with the forces of the United Nations and shedding the blood of soldiers of many of the Governments sitting at this table. It is a matter of common sense as well as of principle that no government can gain entry to the United Nations by force of bayonets and bullets. You can't shoot your way into the United Nations.

The question of Formosa, the Chinese representation, and of other Far Eastern problems have been or can be put on the agenda of the United Nations and dealt with by orderly United Nations processes. Various members of the United Nations may take differing views on the question of Chinese representation and perhaps also on the future of Formosa. But they cannot possibly disagree with my Government's view that these problems must be solved in the United Nations in accordance with the Charter and the procedures provided for therein and not by blackmail.

When we compare the five principles and the latest Peiping communication, what do we find? The five principles meant in effect that if the Chinese Communists ceased their attacks on United Nations forces, there could be an end to hostilities in Korea, and then there could be bona fide discussions with a view to achieving United Nations objectives in Korea by peaceful means and to settling other outstanding questions in the Far East. The Peiping communication does not in fact agree to a cessation of hostilities; it does not in fact agree to discussions in good faith.

It is clear to us, as I am sure it is to most other members of the United Nations, that the Peiping reply is another rejection. It is

easy enough to say yes if you mean yes. Peiping has said no, but this time it has said it less forthrightly.

The present reply gives no inkling that there has been a change of heart and that its intentions are honorable. The United Nations should not be fooled.

Let us ask ourselves with honesty and candor whether the United Nations should put itself in the position of a suppliant to a transgressor and make further appeals to Peiping. Would a further appeal contribute to the authority of the United Nations and the system of collective security? Would it not rather inflate the appetites and ambitions of Peiping, confusing the world as to what the issues really are and complicating a situation which is in fact a very simple one?

If particular members wish to address further appeals to Peiping, they are at entire liberty to do so. My Government would raise no objections. If these members receive any replies which reflect the possibility of a reasonable settlement or the adoption by Peiping of an acceptable course of conduct, of course my Government will be ready to consider them. But I would point out to my colleagues that this is not merely a problem of finding a formula acceptable to Peiping. The result must also be acceptable to the United Nations and in conformity with the Charter. The United Nations has called on its members for great sacrifices on behalf of collective security. It has gone to great lengths to leave the way open for a peaceful settlement of a situation brought about by flagrant aggression. In the conduct of military operations, its forces have used the greatest restraint under extreme provocation in order to localize the conflict in Korea. But the United Nations must not be taken for granted.

I ask my colleagues to give some thought to the issue of collective security. Collective security is not merely a phrase. The views of the people of the United States on this matter were developed through a generation of vigorous debate and are linked with the sacrifices of the peoples of the world in World War II which had to be made because the world had not been able to establish a system of collective security to meet Nazi aggression. We do recognize that there are honest differences on the question before us on the points of view of the Governments represented around this table. Some are remote from the scene of conflict and hope somehow to avoid involvement. Some are concerned lest the strength of the United Nations be so committed in Korea as not to be available for their own defense. Others take differing views about the nature of developments in the Far East and what these mean to the rest of the world. But on one point we are all agreed. If any one of us is attacked, each of us would in that situation desperately ask the United Nations to provide the unified support of every other Government in the world to meet the attack. How can we bring that about for our own countries? Only by a determination to take united action, to support each other faithfully and vigorously when an act of aggression occurs.

41. CONDEMNATION OF CHINESE COMMUNIST AGGRESSION IN KOREA: Statement by the President, January 25, 1951¹

Ambassador Austin has fully and forcefully presented the views of this Government on our attitude toward aggression by the Chinese Communists.² These views have the solid support of the Executive, the Congress, and the people of the United States.

Each member of the United Nations must make its own decision on this issue. For my part, I believe in calling an aggressor an aggressor. The question of what can and should be done about the aggression in Korea of course must be discussed with all other friendly nations.

Obviously, this is no time for rash or unwise action. This is a time for clear thinking and firmness.

Let me stress again that the American resolution contains—as all our proposals have contained—a method for bringing about a cease-fire and opening the way for peaceful settlement of outstanding issues.

42. CONDEMNATION OF CHINESE COMMUNIST AGGRESSION IN KOREA: Resolution 498 (V) of the United Nations General Assembly, February 1, 1951³

The General Assembly,

Noting that the Security Council, because of lack of unanimity of the permanent members, has failed to exercise its primary responsibility for the maintenance of international peace and security in regard to Chinese Communist intervention in Korea,

Noting that the Central People's Government of the People's Republic of China has not accepted United Nations proposals⁴ to bring about a cessation of hostilities in Korea with a view to peaceful settlement, and that its armed forces continue their invasion of Korea and their large-scale attacks upon United Nations forces there,

1. *Finds* that the Central People's Government of the People's Republic of China, by giving direct aid and assistance to those who were already committing aggression in Korea and by engaging in hostilities against United Nations forces there, has itself engaged in aggression in Korea;

2. *Calls upon* the Central People's Government of the People's Republic of China to cause its forces and nationals in Korea to cease hostilities against the United Nations forces and to withdraw from Korea;

¹ Department of State *Bulletin*, Feb. 5, 1951, p. 205.

² See *supra*.

³ U.N. General Assembly, *Official Records, Fifth Session, Supplement No. 20 A (A/1775/Add. 1)*, p. 1.

⁴ See Report to the U.N. General Assembly from its Group on a Cease-Fire in Korea, Jan. 2, 1951, and Principles Adopted by the General Assembly's Group on a Cease-Fire in Korea, Jan. 11, 1951; *supra*, docs. 35 and 36.

3. *Affirms* the determination of the United Nations to continue its action in Korea to meet the aggression;
4. *Calls upon* all States and authorities to continue to lend every assistance to the United Nations action in Korea;
5. *Calls upon* all States and authorities to refrain from giving any assistance to the aggressors in Korea;
6. *Requests* a Committee composed of the members of the Collective Measures Committee¹ as a matter of urgency to consider additional measures to be employed to meet this aggression and to report thereon to the General Assembly, it being understood that the Committee is authorized to defer its report if the Good Offices Committee referred to in the following paragraph reports satisfactory progress in its efforts;
7. *Affirms* that it continues to be the policy of the United Nations to bring about a cessation of hostilities in Korea and the achievement of United Nations objectives in Korea by peaceful means, and requests the President of the General Assembly to designate forthwith two persons who would meet with him at any suitable opportunity to use their good offices to this end.²

43. UNITED STATES POLICY IN THE KOREAN CONFLICT: Address by the President, April 11, 1951³

I want to talk plainly to you tonight about what we are doing in Korea and about our policy in the Far East.

In the simplest terms, what we are doing in Korea is this: We are trying to prevent a third world war.

I think most people in this country recognized that fact last June. And they warmly supported the decision of the Government to help the Republic of Korea against the Communist aggressors. Now, many persons, even some who applauded our decision to defend Korea, have forgotten the basic reason for our action.

It is right for us to be in Korea. It was right last June. It is right today.

I want to remind you why this is true.

THE COMMUNIST THREAT TO FREEDOM

The Communists in the Kremlin are engaged in a monstrous conspiracy to stamp out freedom all over the world. If they were to

¹ The Collective Measures Committee, set up by the General Assembly's Res. 377 (V) of Nov. 3, 1950 (*supra*, pp. 187-192), consisted of representatives of Australia, Belgium, Brazil, Burma, Canada, Egypt, France, Mexico, the Philippine Republic, Turkey, the United Kingdom, the United States, Venezuela, and Yugoslavia.

² The President of the General Assembly, on 19 February 1951, informed the members of the General Assembly (A/1779) that Dr. Luis Padilla Nervo (Mexico) and Mr. Sven Grafstrom (Sweden) had accepted his invitation to form with him the Good Offices Committee, as provided in the above resolution.

³ Department of State *Bulletin*, Apr. 16, 1951, pp. 603-605 (also available as Department of State publication 4195; 1951).

succeed, the United States would be numbered among their principal victims. It must be clear to everyone that the United States cannot—and will not—sit idly by and await foreign conquest. The only question is: When is the best time to meet the threat and how?

The best time to meet the threat is in the beginning. It is easier to put out a fire in the beginning when it is small than after it has become a roaring blaze.

And the best way to meet the threat of aggression is for the peace-loving nations to act together. If they don't act together, they are likely to be picked off, one by one.

If they had followed the right policies in the 1930's—if the free countries had acted together, to crush the aggression of the dictators, and if they had acted in the beginning, when the aggression was small—there probably would have been no World War II.

If history has taught us anything, it is that aggression anywhere in the world is a threat to peace everywhere in the world. When that aggression is supported by the cruel and selfish rulers of a powerful nation who are bent on conquest, it becomes a clear and present danger to the security and independence of every free nation.

This is a lesson that most people in this country have learned thoroughly. This is the basic reason why we joined in creating the United Nations. And since the end of World War II we have been putting that lesson into practice—we have been working with other free nations to check the aggressive designs of the Soviet Union before they can result in a third world war.

That is what we did in Greece, when that nation was threatened by the aggression of international communism.

The attack against Greece could have led to general war. But this country came to the aid of Greece. The United Nations supported Greek resistance. With our help, the determination and efforts of the Greek people defeated the attack on the spot.

Another big Communist threat to peace was the Berlin blockade. That too could have led to war. But again it was settled because free men would not back down in an emergency.

THE COMMUNIST PLAN FOR CONQUEST

The aggression against Korea is the boldest and most dangerous move the Communists have yet made.

The attack on Korea was part of a greater plan for conquering all of Asia.

I would like to read to you from a secret intelligence report which came to us after the attack. It is a report of a speech a Communist army officer in North Korea gave to a group of spies and saboteurs last May, one month before South Korea was invaded. The report shows in great detail how this invasion was part of a carefully prepared plot. Here is part of what the Communist officer, who had been trained in Moscow, told his men: "Our forces," he said, "are scheduled to attack South Korean forces about the middle of June. . . . The coming attack on South Korea marks the first step toward the liberation of Asia."

Notice that he used the word "liberation." That is Communist double-talk meaning "conquest."

I have another secret intelligence report here. This one tells what another Communist officer in the Far East told his men several months before the invasion of Korea. Here is what he said: "In order to successfully undertake the long awaited world revolution, we must first unify Asia. . . . Java, Indochina, Malaya, India, Tibet, Thailand, Philippines, and Japan are our ultimate targets. . . . The United States is the only obstacle on our road for the liberation of all countries in southeast Asia. In other words, we must unify the people of Asia and crush the United States."

That is what the Communist leaders are telling their people, and that is what they have been trying to do.

They want to control all Asia from the Kremlin.

This plan of conquest is in flat contradiction to what we believe. We believe that Korea belongs to the Koreans, that India belongs to the Indians—that all the nations of Asia should be free to work out their affairs in their own way. This is the basis of peace in the Far East and everywhere else.

The whole Communist imperialism is back of the attack on peace in the Far East. It was the Soviet Union that trained and equipped the North Koreans for aggression. The Chinese Communists massed 44 well-trained and well-equipped divisions on the Korean frontier. These were the troops they threw into battle when the North Korean Communists were beaten.

STOPPING SHORT OF GENERAL WAR

The question we have had to face is whether the Communist plan of conquest can be stopped without general war. Our Government and other countries associated with us in the United Nations believe that the best chance of stopping it without general war is to meet the attack in Korea and defeat it there.

That is what we have been doing. It is a difficult and bitter task. But so far it has been successful.

So far, we have prevented World War III.

So far, by fighting a limited war in Korea, we have prevented aggression from succeeding and bringing on a general war. And the ability of the whole free world to resist Communist aggression has been greatly improved.

We have taught the enemy a lesson. He has found out that aggression is not cheap or easy. Moreover, men all over the world who want to remain free have been given new courage and new hope. They know now that the champions of freedom can stand up and fight and that they will stand up and fight.

Our resolute stand in Korea is helping the forces of freedom now fighting in Indochina and other countries in that part of the world. It has already slowed down the timetable of conquest.

In Korea itself, there are signs that the enemy is building up his ground forces for a new mass offensive. We also know that there have been large increases in the enemy's available air forces.

If a new attack comes, I feel confident it will be turned back. The United Nations fighting forces are tough and able and well equipped. They are fighting for a just cause. They are proving to all the world that the principle of collective security will work. We are proud of all these forces for the magnificent job they have done against heavy odds. We pray that their efforts may succeed, for upon their success may hinge the peace of the world.

The Communist side must now choose its course of action. The Communist rulers may press the attack against us. They may take further action which will spread the conflict. They have that choice, and with it the awful responsibility for what may follow. The Communists also have the choice of a peaceful settlement which could lead to a general relaxation of tensions in the Far East. The decision is theirs, because the forces of the United Nations will strive to limit the conflict if possible.

We do not want to see the conflict in Korea extended. We are trying to prevent a world war—not to start one. The best way to do that is to make it plain that we and the other free countries will continue to resist the attack.

THE BEST COURSE TO FOLLOW

But you may ask: Why can't we take other steps to punish the aggressor? Why don't we bomb Manchuria and China itself? Why don't we assist Chinese Nationalist troops to land on the mainland of China?

If we were to do these things we would be running a very grave risk of starting a general war. If that were to happen, we would have brought about the exact situation we are trying to prevent.

If we were to do these things, we would become entangled in a vast conflict on the continent of Asia and our task would become immeasurably more difficult all over the world.

What would suit the ambitions of the Kremlin better than for our military forces to be committed to a full-scale war with Red China?

It may well be that, in spite of our best efforts, the Communists may spread the war. But it would be wrong—tragically wrong—for us to take the initiative in extending the war.

The dangers are great. Make no mistake about it. Behind the North Koreans and Chinese Communists in the front lines stand additional millions of Chinese soldiers. And behind the Chinese stand the tanks, the planes, the submarines, the soldiers, and the scheming rulers of the Soviet Union.

Our aim is to avoid the spread of the conflict.

The course we have been following is the one best calculated to avoid an all-out war. It is the course consistent with our obligation to do all we can to maintain international peace and security. Our experience in Greece and Berlin shows that it is the most effective course of action we can follow.

First of all, it is clear that our efforts in Korea can blunt the will of the Chinese Communists to continue the struggle. The United Nations forces have put up a tremendous fight in Korea and have

inflicted very heavy casualties on the enemy. Our forces are stronger now than they have been before. These are plain facts which may discourage the Chinese Communists from continuing their attack.

Second, the free world as a whole is growing in military strength every day. In the United States, in Western Europe, and throughout the world, free men are alert to the Soviet threat and are building their defenses. This may discourage the Communist rulers from continuing the war in Korea—and from undertaking new acts of aggression elsewhere.

If the Communist authorities realize that they cannot defeat us in Korea, if they realize it would be foolhardy to widen the hostilities beyond Korea, then they may recognize the folly of continuing their aggression. A peaceful settlement may then be possible. The door is always open.

Then we may achieve a settlement in Korea which will not compromise the principles and purposes of the United Nations.

I have thought long and hard about this question of extending the war in Asia. I have discussed it many times with the ablest military advisers in the country. I believe with all my heart that the course we are following is the best course.

I believe that we must try to limit the war to Korea for these vital reasons: to make sure that the precious lives of our fighting men are not wasted; to see that the security of our country and the free world is not needlessly jeopardized; and to prevent a third world war.

AVOIDING CONFUSION OVER U.S. POLICY

A number of events have made it evident that General MacArthur did not agree with that policy. I have therefore considered it essential to relieve General MacArthur so that there would be no doubt or confusion as to the real purpose and aim of our policy.

It was with the deepest personal regret that I found myself compelled to take this action. General MacArthur is one of our greatest military commanders. But the cause of world peace is more important than any individual.

The change in commands in the Far East means no change whatever in the policy of the United States. We will carry on the fight in Korea with vigor and determination in an effort to bring the war to a speedy and successful conclusion.

The new commander, Lt. Gen. Matthew Ridgway, has already demonstrated that he has the great qualities of military leadership needed for this task.

We are ready, at any time, to negotiate for a restoration of peace in the area. But we will not engage in appeasement. We are only interested in real peace.

Real peace can be achieved through a settlement based on the following factors:

One: the fighting must stop.

Two: concrete steps must be taken to insure that the fighting will not break out again.

Three: there must be an end to the aggression.

A settlement founded upon these elements would open the way for the unification of Korea and the withdrawal of all foreign forces.

In the meantime, I want to be clear about our military objective. We are fighting to resist an outrageous aggression in Korea. We are trying to keep the Korean conflict from spreading to other areas. But at the same time we must conduct our military activities so as to insure the security of our forces. This is essential if they are to continue the fight until the enemy abandons its ruthless attempt to destroy the Republic of Korea.

That is our military objective—to repel attack and to restore peace.

In the hard fighting in Korea, we are proving that collective action among nations is not only a high principle but a workable means of resisting aggression. Defeat of aggression in Korea may be the turning point in the world's search for a practical way of achieving peace and security.

The struggle of the United Nations in Korea is a struggle for peace.

The free nations have united their strength in an effort to prevent a third world war.

That war can come if the Communist rulers want it to come. But this Nation and its allies will not be responsible for its coming.

We do not want to widen the conflict. We will use every effort to prevent that disaster. And in so doing we know that we are following the great principles of peace, freedom, and justice.

44. UNITED NATIONS STRATEGIC EMBARGO AGAINST COMMUNIST CHINA AND NORTH KOREA: Resolution 500 (V) of the United Nations General Assembly, May 18, 1951¹

The General Assembly,

Noting the report of the Additional Measures Committee dated 14 May 1951,²

Recalling its resolution 498 (V) of 1 February 1951,³

Nothing [Noting] *that:*

(a) The Additional Measures Committee established by that resolution has considered additional measures to be employed to meet the aggression in Korea,

(b) The Additional Measures Committee has reported that a number of States have already taken measures designed to deny contributions to the military strength of the forces opposing the United Nations in Korea,

(c) The Additional Measures Committee has also reported that certain economic measures designed further to deny such contribu-

¹ U.N. General Assembly, *Official Records, Fifth Session, Supplement No. 20 A (A/1775/Add. 1)*, p. 2.

² See U.N. doc. A/1799.

³ *Supra*, doc. 42.

tions would support and supplement the military action of the United Nations in Korea and would assist in putting an end to the aggression,¹

1. *Recommends* that every State:

(a) Apply an embargo on the shipment to areas under the control of the Central People's Government of the People's Republic of China and of the North Korean authorities of arms, ammunition and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, and items useful in the production of arms, ammunition and implements of war;

(b) Determine which commodities exported from its territory fall within the embargo, and apply controls to give effect to the embargo;

(c) Prevent by all means within its jurisdiction the circumvention of controls on shipments applied by other States pursuant to the present resolution;

(d) Co-operate with other States in carrying out the purposes of this embargo;

(e) Report to the Additional Measures Committee, within thirty days and thereafter at the request of the Committee, on the measures taken in accordance with the present resolution;

2. *Requests* the Additional Measures Committee:

(a) To report to the General Assembly, with recommendations as appropriate, on the general effectiveness of the embargo and the desirability of continuing, extending or relaxing it;

(b) To continue its consideration of additional measures to be employed to meet the aggression in Korea, and to report thereon further to the General Assembly, it being understood that the Committee is authorized to defer its report if the Good Offices Committee reports satisfactory progress in its efforts;

3. *Reaffirms* that it continues to be the policy of the United Nations to bring about a cessation of hostilities in Korea, and the achievement of United Nations objectives in Korea by peaceful means, and requests the Good Offices Committee to continue its good offices.

45. REVIEW OF UNITED STATES POLICY IN THE KOREAN CONFLICT: Statement by the Secretary of State, June 1, 1951²

The real issues in the discussion before us are peace or war, and the survival of human freedom.

It is not just a difference as to method which is now under examination. What is challenged is the bedrock purpose of our foreign policy, and of what we have been trying to do. That is the place I would like to start, in this brief statement.

¹ See U.N. General Assembly, *Official Records, Fifth Session, First Committee, 443d Meeting*.

² Made before the Senate Armed Services and the Foreign Relations Committees; Department of State *Bulletin*, June 11, 1951, pp. 923-926.

The foreign policy of the United States has a central and dominant objective—to protect the nation and to safeguard the future of its people. We stand ready to defend our future by force of arms if that necessity is forced upon us. But we seek to deter war if we can.

Another world war would be destructive beyond experience; it would not solve problems, but multiply them. Therefore, it is part of our fundamental purpose to prevent, by all honorable means, the outbreak of another general war.

Even before the last world war was over, while our young men were storming the beaches at Normandy and Saipan and dozens of other places now engraved in our memories, the resolution was forming among our people that future wars must be prevented.

Their conviction grew that the best way to protect the security of our nation and of our people was to prevent war, and that the way to go about it was through an international system of collective security.

The Four Freedoms, the Atlantic Charter, the United Nations—these were not cynical slogans. They represented the idea which our people felt in their hearts was worth fighting for.

It has been the purpose of our foreign policy to keep faith with that idea.

The attempt to build a collective security system on the basis of the cooperation of all the great powers broke down because of the policies of the Soviet Union. But Soviet ambitions have not been able to obstruct our determined efforts.

Within the framework of the Charter of the United Nations, we have been building a collective security system based on the cooperation of those nations who are dedicated to peace.

The united and determined effort of our people to build effective instruments for keeping the peace is recorded in a series of vigorous and far-sighted actions: the United Nations Charter itself, the Rio Treaty, the Greek-Turkish Aid Program, the Marshall Plan, the North Atlantic Treaty, and the Mutual Defense Assistance Program.

We have been building our strength, together with our allies. We must be strong enough to keep the peace.

Side by side with these programs there is another basic element in our foreign policy: to assist the hundreds of millions of people who were acquiring their independence after the war, so that they might be free to develop in their own way, and to join in an international system for preserving the peace.

Our hopes for peace required us to understand the changes which were in motion among vast populations of the Middle East and Asia, and to help peoples who had just gained their independence from losing it again to the new imperialism of the Soviet Union.

Those are the big, central ideas that express what we have been trying to do in the world.

THE CHALLENGE OF KOREA

The attack on Korea was a blow at the foundation of this whole program. It was a challenge to the whole system of collective security, not only in the Far East, but everywhere in the world. It

was a threat to all nations newly arrived at independence. This dagger thrust pinned a warning notice to the wall which said: "Give up or be conquered."

This was a test which would decide whether our collective security system would survive or would crumble. It would determine whether other nations would be intimidated by this show of force.

The decision to meet force with force in Korea was essential. It was the unanimous view of the political and military advisers of the President that this was the right thing to do. This decision had the full support of the American people because it accorded with the principles by which Americans live.

As a people we condemn aggression of any kind. We reject appeasement of any kind. If we stood with our arms folded while Korea was swallowed up, it would have meant abandoning our principles, and it would have meant the defeat of the collective security system on which our own safety ultimately depends.

What I want to stress here is that it was not only a crucial decision whether or not to meet this aggression; it was no less important how this aggression was to be dealt with.

In the first place, the attack on Korea has been met by collective action. The United States brought the aggression in Korea before the United Nations, not only because the Charter requires it, but also because the authority and even the survival of that organization was directly involved.

The response of some members of the United Nations, in terms of their capacities and their other security responsibilities, has been generous and wholehearted.

The total action is admittedly an imperfect one, as might be expected of beginning steps in a collective security system. But the development of this system requires us to take into consideration the dangers and interests of those associated with us, just as we want them to take into consideration our dangers and interests.

In the second place, our response to the aggression against Korea required a careful estimate of the risks involved in the light of the total world situation.

There was the risk that the conflict might spread into a general war in Asia, a risk that the Chinese Communists might intervene, a risk that the Soviet Union might declare itself in.

We take it for granted that risk of some sort is implicit in any positive policy, and that there is also a risk in doing nothing.

The elements of risk and the means of reducing that risk to us and to the rest of the free world quite properly influenced our policy in Korea.

It has been our purpose to turn back this Communist thrust, and to do it in such a way as to prevent a third World War if we can. This is in accord with one of the most fundamental tenets of our policy—to prevent, in so far as we can do so, another world war.

It is against this basic purpose that the operation in Korea, and the plans for carrying it to a conclusion, need to be considered.

WHAT THE DEFENSE OF KOREA HAS ACCOMPLISHED

The operation in Korea has been a success. Both the North Koreans and the Chinese Communists declared it to be their purpose to drive the United Nations forces out of Korea and impose Communist rule throughout the entire peninsula. They have been prevented from accomplishing their objective.

It has been charged that the American and allied forces fighting in Korea are engaged in a pointless and inconclusive struggle.

Nothing could be farther from the fact. They have been magnificent. Their gallant, determined and successful fight has checked the Communist advance and turned it into a retreat. They have administered terrible defeats to the Communist forces. In so doing, they have scored a powerful victory.

Their victory has dealt Communist imperialist aims in Asia a severe setback.

The alluring prospect for the Communist conspiracy in June, 1950—the prospect of a quick and easy success which would not only win Korea for the Kremlin but shake the free nations of Asia and paralyze the defense of Europe—all this has evaporated.

Instead of weakening the rest of the world, they have solidified it. They have given a powerful impetus to the military preparations of this country and its associates in and out of the North Atlantic Treaty Organization.

We have doubled the number of our men under arms, and the production of matériel has been boosted to a point where it can begin to have a profound effect on the maintenance of the peace.

The idea of collective security has been put to the test, and has been sustained. The nations who believe in collective security have shown that they can stick together and fight together.

New urgency has been given to the negotiation of a peace treaty with Japan, and of initial security arrangements to build strength in the Pacific area.

These are some of the results of the attack on Korea, unexpected by—and I am sure most unwelcome to—the Kremlin.

HOW THE FIGHTING CAN BE BROUGHT TO AN END

The objective of our military operation in Korea is to end the aggression, to safeguard against its renewal, and to restore peace. There is wide agreement on this objective in the domestic discussions of this issue.

Both the Administration and its critics have said that the object of the courses they propose is to end the aggression and restore peace. Both are willing—indeed desire—to end the fighting by an honorable settlement which will end the aggression, provide against its renewal and restore peace.

Neither will purchase a settlement by allowing the aggressors to profit by their wrong. Neither believes that the destruction or unconditional surrender of the aggressor is necessary to attain the goal.

General Marshall, General Bradley and the Joint Chiefs of Staff have given you, in detail, the reasons why they believe that the Chinese Communists will be defeated in Korea and must abandon their purpose.¹

They report that our forces are in excellent shape, that their morale is high and that they are in a good supply position.

They report not only that the mass attacks launched by the enemy have failed to break through the firepower of United Nations forces, but that the offensives of the enemy have been broken and thrown back with enormous enemy casualties.

These defeats in Korea, together with other consequences of this campaign, present grave problems for the Communist authorities in China.

While the manpower resources of China are vast, its supply of trained men is limited. They cannot cover up their casualties. They cannot gloss over the draft of more and more men for military service.

The Chinese Red leaders have betrayed their long-standing pledge of demobilization and the military demand for manpower has, instead, been increased.

Peiping has also broken its promises of social and economic improvement. In the great cities, dependent on imported materials, unemployment increases. The régime has not lightened the burdens of the people. It has made them heavier.

All of this is reflected in a sharp increase in repressive measures, and in propaganda to whip up the flagging zeal of their own people. In the light of all these factors, I believe that the aggression can best be brought to an end with a minimum risk and a minimum loss, by continuing the punishing defeat of the Chinese in Korea. This is being done.

No one can predict when the fighting will stop and when the aggression will end. It is also true that no one could have foretold exactly what would happen when we undertook action to end the Berlin blockade, but we did what we thought was right and the blockade was ended.

No one could have foretold how the aggression in Greece would be terminated, but again we took those measures which our best judgment and sense indicated were the right ones and the aggression ceased.

While the outcome of every course of action in the foreign policy field cannot be predicted with certainty in advance, it is our responsibility in taking action to apply our best judgment on the basis of the best information at hand.

I think it is fair to say that all of the President's advisers believe the course we are now following gives us the best chance of stopping hostilities and ending the aggression in Korea.

¹ See *Military Situation in the Far East: Hearings Before the Committee on Armed Services and the Committee on Foreign Relations, United States Senate, 82d Congress, 1st Session, etc.*, pp. 322-1662.

THE PROPOSAL TO ENLARGE THE WAR

I should like briefly to address myself to the alternative course which was placed before this Committee.¹ This course would seek to bring the conflict in Korea to an end by enlarging the sphere of hostilities.

I will not try to review the military considerations involved in this proposed course, since these have been thoroughly discussed by the previous witnesses before your Committees.

It is enough to say that it is the judgment of the President's military advisers that the proposed enlargement of our military action would not exercise a prompt and decisive effect in bringing the hostilities to an end. To this judgment there must be added a recognition of the grave risks and other disadvantages of this alternative course.

Against the dubious advantages of spreading the war in an initially limited manner to the mainland of China, there must be measured the risk of a general war with China, the risk of Soviet intervention, and of World War III, as well as the probable effects upon the solidarity of the free world coalition.

The advocates of this program make two assumptions which require careful examination. They assume that the Soviet Union will not necessarily respond to any action on our part. They also assume that in the build-up of strength relative to the Soviet Union and the Communist sphere, time is not necessarily on our side.

As to Soviet reactions, no one can be sure he is forecasting accurately what they would be, but there are certain facts at hand that bear on this question.

We know of Soviet influence in North Korea, of Soviet assistance to the North Koreans and to Communist China, and we know that understandings must have accompanied this assistance. We also know that there is a treaty between the Soviets and the Chinese Communists.²

But, even if the treaty did not exist, China is the Soviet Union's largest and most important satellite. Russian self-interest in the Far East and the necessity of maintaining prestige in the Communist sphere make it difficult to see how the Soviet Union could ignore a direct attack upon the Chinese mainland.

I cannot accept the assumption that the Soviet Union will go its way regardless of what we do. I do not think that Russian policy is formed that way any more than our own policy is formed that way. This view is certainly not well enough grounded to justify a gamble with the essential security of our nation.

In response to the proposed course of action, there are a number of courses of counteraction open to the Soviets.

They could turn over to the Chinese large numbers of planes with "volunteer" crews for retaliatory action in Korea and outside. They might participate with the Soviet air force and the submarine fleet.

The Kremlin could elect to parallel the action taken by Peiping

¹ See the testimony of General MacArthur; *Military Situation in the Far East* . . . , pp. 3-320.

² *Supra*, pp. 2463-2465.

and intervene with a half million or more ground force "volunteers"; or it could go the whole way and launch an all-out war.

Singly, or in combination, these reactions contain explosive possibilities, not only for the Far East, but for the rest of the world as well.

We should also analyze the effect on our allies of our taking steps to initiate the spread of war beyond Korea. It would severely weaken their ties with us and in some instances it might sever them.

They are understandably reluctant to be drawn into a general war in the Far East—one which holds the possibilities of becoming a world war—particularly if it developed out of an American impatience with the progress of the effort to repel aggression, an effort which in their belief offers an honorable and far less catastrophic solution.

If we followed the course proposed, we would be increasing our risks and commitments at the same time that we diminished our strength by reducing the strength and determination of our coalition.

We cannot expect that our collective security system will long survive if we take steps which unnecessarily and dangerously expose the people who are in the system with us. They would understandably hesitate to be tied to a partner who leads them to a highly dangerous short cut across a difficult crevasse.

In relation to the total world threat, our safety requires that we strengthen, not weaken, the bonds of our collective security system.

The power of our coalition to deter an attack depends in part upon the will and the mutual confidence of our partners. If we, by the measures proposed, were to weaken that effect, particularly in the North Atlantic area, we would be jeopardizing the security of an area which is vital to our own national security.

What this adds up to, it seems to me, is that we are being asked to undertake a large risk of general war with China, risk of war with the Soviet Union, and a demonstrable weakening of our collective security system—all this in return for what?

In return for measures whose effectiveness in bringing the conflict to an early conclusion are judged doubtful by our responsible military authorities.

Before concluding, I should like to deal briefly with the related proposition that we may need to take extreme risks now because time may not be on our side. I believe this is wrong.

The basic premise of our foreign policy is that time is on our side if we make good use of it. This does not necessarily mean that time must bring us to a point where we can match the Soviet Union man-for-man and tank-for-tank.

What it does mean is that we need to use the time we have to build an effective deterrent force. This requires us to create sufficient force-in-being, both in the United States and among our allies, to shield our great potential against the possibility of a quick and easy onslaught, and to ensure that our allies will not suffer occupation and destruction. And back of this shield we need to have the potential that would enable us to win a war.

This is the measure of the force we need; as we approach it, we approach our objective of preventing war.

Can we do this? I believe we can. We and our allies have the capacity to out-produce the Soviet bloc by a staggering margin. There is no doubt about that. Our capacity to produce has been set in motion and is rapidly getting to the point where its output will be vast and its effect significant.

There is also the critical factor of our will. The future belongs to freedom if free men have the will to make time work on their side. I believe the American people and their allies do have the will, the will to work together when their freedom is threatened.

This is the ultimate source of our faith and our confidence. A free society can call upon profound resources among its people in behalf of a righteous cause.

46. UNITED STATES EMBARGO ACTION AGAINST COMMUNIST CHINA AND NORTH KOREA: Report Submitted by the Deputy United States Representative at the United Nations to the Additional Measures Committee of the United Nations General Assembly, June 15, 1951 (Excerpt)¹

PART I

The controls applied by the United States on shipments to the Chinese Communists and the North Korean authorities are more comprehensive than those called for by Resolution 500(V)² and were placed in effect before that Resolution was passed. Exports from the United States of arms, ammunition and implements of war (Annex I)³ and atomic energy materials (Annex II)⁴ to North Korea and to Communist China have not been authorized at any time, and exports of a number of other strategic articles were severely restricted and in some instances embargoed for some time prior to June 1950. Since the end of June 1950, the United States Government has permitted no shipments to North Korea and applied an embargo on shipments to Communist China not only of arms and munitions but also of atomic energy materials, petroleum products, and other items of strategic value included in the United States Positive List. (Annex III.)⁵

The scope of the economic measures applied against the Chinese Communists by the United States was greatly extended when it became unmistakably clear that they were engaged in large-scale

¹ Department of State *Bulletin*, July 9, 1951, pp. 54-60 (U.N. doc. A/1841, July 12, 1951, pp. 48-52). For introductory comments on the report by Ernest A. Gross, Deputy U.S. Representative to the General Assembly, see *ibid.*, July 9, 1951, p. 54. The Mutual Defense Assistance Control Act of 1951 (Act of Oct. 26, 1951; *infra*, pp. 3101-3105) also included embargo provisions which became effective Jan. 24, 1952.

² U.N. General Assembly Res. 500 (V), May 18, 1951; *supra*, doc. 44.

³ Annexes not printed here. For annex I, see Department of State *Bulletin*, July 9, 1951, pp. 56-58.

⁴ 12 *Fed. Reg.* 1855 and Amendment 14 *Fed. Reg.* 1156 for List A. See 12 *Fed. Reg.* 7651 for List B.

⁵ Positive List of Commodities. See Department of Commerce, Office of International Trade, Comprehensive Export Schedule, Appendix A, Sec. 399.1.

itary operations against United Nations forces in Korea. Since September 1950, the United States has not exported any materials whatever to Communist China. Vessels and aircraft documented and registered under United States laws have not been permitted to land at any Chinese Communist port or area or to carry any cargo destined directly or indirectly for Communist China. Strict control has been exercised over commodities in transit through the United States destined for Communist China. All Communist China and North Korea assets within the United States have been blocked and subjected to stringent controls.

The United States believes that the United States Positive List contains items which would meet the intent of the General Assembly Resolution of May 18. Not all these items are included within the scope of paragraph 1 (A) of the Resolution. Nevertheless, the United States believes that the control of such items furthers the basic purpose of the Resolution.

The scope and detail of the United States Munitions List, the list of atomic energy materials, and the United States Positive List may assist cooperating States in effecting the embargo by providing a basis for that efficient customs administration, control of transit, and control over transport of prohibited cargoes which it is the purpose of the Resolution to accomplish. It may also contribute to the working out of such further measures in the field of economic controls as may become appropriate or necessary.

The United States will prevent by all means within its jurisdiction the circumvention of controls on shipments applied by other States under the Resolution and cooperate fully with other States and the Additional Measures Committee in carrying out the purposes of this embargo.

PART II

The following is a summary of the measures taken by the United States to control its trade with the aggressors.

The export of arms, ammunition, and implements of war as defined in Presidential Proclamation 2776, of April 13, 1948, is controlled by the Secretary of State (Annex I). The export of atomic energy materials as defined in the Atomic Energy Act of 1946¹ is controlled by the United States Atomic Energy Commission (Annex II). Shipments of such materials to Communist China and North Korea have not been authorized at any time. In November 1949, this policy was extended to include Hong Kong and Macao, as possible transshipment points, and only very limited materials for the use of these governments have been licensed since that time.

The export from the United States to foreign destinations of commodities in short supply and of strategic materials is controlled through the Positive List administered by the Department of Commerce under the authority of the Export Control Act of 1949² (Annex III). Commodities which appear on the Positive List are placed there after

¹ Act of Aug. 1, 1946; 60 Stat. 755.

² Act of Feb. 26, 1949; 63 Stat. 7.

determination by the United States Government that they possess sufficient strategic value or are in such critical supply as to justify careful screening of destination and end-use. Such commodities cannot be exported to foreign destinations without validated export licenses.

From June 1950, shortly after the North Korean aggression against the Republic of Korea, until December 1950, the United States Government was applying an embargo over shipments to Communist China of arms and munitions, petroleum products, atomic energy materials, and all other items on the United States Positive List.

Since June 1950, no shipments of any kind have been permitted to go to North Korea, and the subsequent measures outlined below have been applied to North Korea as well as Communist China.

As a precaution, in the light of the Chinese Communist intervention in the Korean struggle, the Department of Commerce issued an order, effective December 3, 1950, subjecting all proposed exports from the United States to the mainland of China or to Hong Kong and Macao (as possible transshipment points) to a screening procedure in order to prevent Communist China from obtaining materials, the receipt of which by Communist China would be contrary to the objectives of the United Nations in Korea. The order revoked all General Licenses for the exportation of any commodity, whether or not included on the Positive List, to Communist China and to Hong Kong and Macao.

On December 7, 1950, an additional Department of Commerce order was issued providing authorization for United States officials to stop shipments loaded under General Licenses if the ships came into United States ports en route. Since that date, accordingly, validated export licenses are required for all commodities intended for the destinations noted above if a vessel, whatever its registry, has not obtained clearance from the final port of departure in the United States for a foreign port or if, after receiving final clearance, the vessel transits the Panama Canal Zone. The order directed that shipments which were not licensed were required to be off-loaded prior to final clearance or proceeding through the Canal Zone. Under Department of Commerce orders effective December 4, and 6, 1950, shipments of all commodities, whether or not on the Positive List, originating in any foreign country moving in transit through the United States or using the facilities of a foreign trade zone or manifested to the United States may not be exported to China, Manchuria, Hong Kong or Macao without a validated export license. The foregoing actions were taken under the authority of the Export Control Act of 1949 (See Annex IV).¹

On December 8, 1950, the Department of Commerce, Under Secretary for Transportation, under the authority granted by Section 101 of the Defense Production Act of 1950, issued Transportation Order T-1. This order directed that no person should transport in any ship documented under the laws of the United States or in any

¹ 15 *Fed. Reg.* 4744, 8562-8563, 9140; for excerpts, see Department of State *Bulletin*, July 9, 1951, pp. 58-59.

aircraft registered under the laws of the United States any commodities at the time on the Positive List, or any article on the Munitions List, or any article controlled for export under the Atomic Energy Act of 1946, to China, Manchuria, Hong Kong or Macao; and no person should discharge from any such ship or aircraft any such commodity at these ports or areas, or at any other ports in transit to such destinations, without a validated export license, or unless authorization had been obtained from the Under Secretary of Commerce for Transportation. The prohibition applied to the ship or aircraft owner, master or any other officer or employee of the owner (Annex V).¹

On December 16, 1950, the Department of State announced that the United States was taking measures to place under control all Chinese Communist assets within United States jurisdiction and was issuing regulations to prohibit ships of United States registry from calling at Chinese Communist ports until further notice.² These actions were necessary to accomplish the effective control of the economic relationships between the United States and Communist China-North Korea envisaged by the December 3 requirement that no exports would be permitted to these destinations from the United States without validated export licenses (Annex VI).

The Department of the Treasury accomplished this financial control by action under the Foreign Assets Regulations (pursuant to the first War Powers Act of 1941 and the Trading With the Enemy Act of October 6, 1917, as amended) blocking the United States assets of residents of China and North Korea. The blocking regulations forbade all transactions involving bank accounts and United States assets of the Communist Chinese and the North Korean regimes and their nationals unless Treasury approval was obtained. A series of blanket authorizations were included in the regulations, protecting individual Chinese and Koreans in the United States and abroad, where these persons were not acting on behalf of the North Korean or Chinese Communist regimes (Annex VII).³

The Department of Commerce accomplished its shipping controls by the issuance of Transportation Order T-2, under the authority of Section 101 of the Defense Production Act of 1950. This order provided, in substance, that no person should take any ship or aircraft documented or registered under the laws of the United States to any Chinese Communist port or area; that no person should transport, on any ship or aircraft documented or registered under the laws of the United States, cargo of any kind to Communist ports or to any other places under the control of the Chinese Communists; that no person should take on board any such ship or aircraft any cargo if he knows or has reason to believe that it is destined, directly or indirectly, for Communist China; and that no person should discharge from any such ship or aircraft any such cargo so destined at any place other than the port where the cargo was loaded, or within territory under United

¹ Transportation Order T-1; 15 *Fed. Reg.* 8777. Interpretation, *ibid.*, 9145. Text of Transportation Order T-1 also in Department of State *Bulletin*, July 9, 1951, p. 59.

² See Department of State statement of Dec. 16, 1950; *supra*, doc. 33.

³ Foreign Assets Control Regulations; 15 *Fed. Reg.* 9040.

States jurisdiction, or in Japan. This order was made applicable to the owner, master, or any other officer, employee or agent of the owner of the ship or aircraft. (Annex VIII).¹

**47. APPEAL FOR ADDITIONAL GROUND FORCES IN KOREA:
Communication From the Unified Command to the Secretary-General of the United Nations, June 21, 1951²**

The acting representative of the United States to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honor to address a communication on behalf of the United States, acting in its capacity as the Unified Command, concerning the need for additional ground troops from Member Governments of the United Nations for the collective effort in Korea.

The Unified Command has conducted and is now conducting extensive bilateral conversations in connection with this problem with various Member States and, in particular, is conducting conversations with States which have already contributed armed forces.

In order to further efforts of the Unified Command in this respect, the Secretary-General is requested to send communications on behalf of the Unified Command to Member Governments which previously gave a favorable reply either to the Security Council's resolution of June 25, 1950,³ or to its resolution of June 27, 1950,⁴ but which have not yet contributed armed forces for the collective effort in Korea, advising the aforementioned Members of the need for further ground assistance in Korea. There is a real need for additional forces from Member States in the light of massive Chinese Communist concentrations in the area and of their continuing aggression. The Unified Command therefore requests the Secretary-General in his communication to appeal to Member Governments which have given their support to the Security Council resolutions but have not made contributions of armed forces that they give immediate consideration to making an initial contribution of ground forces of substantial character, consonant with their respective capabilities and other responsibilities.

Further, it is requested that Member Governments be asked to notify the Secretary-General of offers in general terms, detailed arrangements to be made by the respective Member Governments and the Unified Command.

¹ Transportation Order T-2; 15 *Fed. Reg.* 9063. Text also in Department of State *Bulletin*, July 9, 1951, p. 60.

² Department of State *Bulletin*, July 9, 1951, p. 53.

³ *Supra*, pp. 2538-2539.

⁴ *Supra*, pp. 2540-2541.

D. NEGOTIATIONS FOR AN ARMISTICE AGREEMENT, JUNE 1951-JULY 1953

48. SUMMARY OF THE ARMISTICE NEGOTIATIONS, JUNE 1951-JULY 1953: Special Report of the United Nations Command to the Secretary-General of the United Nations, August 7, 1953¹

A. In general

The history of the continuing efforts of the Unified Command and of the United Nations at all times to bring an end to the fighting in Korea on an honourable basis is set forth in various documents of the United Nations. The Unified Command took numerous steps to this end on its own initiative and co-operated fully with proposals of others for bringing about peace on a basis consistent with United Nations objectives in Korea.

In July [June] 1951, it appeared from statements made by Communist spokesmen² that the aggressor forces were willing to cease hostilities. However, the hopes of the Unified Command for quickly concluding an agreement that would stop the fighting soon proved illusory. Time after time the Communists stalled, injected extraneous issues, endeavoured to use the negotiations for propaganda purposes, and otherwise indicated a lack of good faith. Despite these obstacles the United Nations negotiators consistently evinced a willingness to reach agreement.

The United Nations Command was determined that the Armistice Agreement must contribute to the achievement of the basic purposes of the United Nations military action in Korea—to repel the aggression against the Republic of Korea and to restore peace and security in the area. The United Nations Command therefore insisted on the following requirements:

- (1) A line of demarcation based upon military realities and affording defensible positions for the opposing forces, consistent with the United Nations objective of repelling aggression;
- (2) Other provisions offering maximum reasonable assurance against a renewal of the aggression;
- (3) Appropriate arrangements for an exchange of prisoners of war on a basis that would ensure the return of United Nations Command prisoners of war and the disposition of prisoners safeguarding the right of asylum, consistent with international law, the Geneva Convention³ and humanitarian principles.

¹ U.N. doc. S/3079, Aug. 7, 1953, pp. 8-18.

² See Initial Exchanges Between Soviet and U.S. Representatives Concerning Negotiations for a Korean Armistice, June 28, 1951, and Proposed Initial Meeting to Discuss an Armistice, June 30, 1951; *infra*, docs. 49 and 50.

³ See *Geneva Conventions of August 12, 1949, for the Protection of War Victims* (Department of State publication 3938; 1950), pp. 84-161. Cited hereafter as *Geneva Conventions*.

So long as the Communists refused to agree to an armistice on this basis, the United Nations Command was compelled to insist on the continuation of the fighting in accordance with the resolutions of the Security Council and the General Assembly, so as to compel the enemy to accept an honourable end to the fighting.

B. Early obstacles to agreement

(1) The agenda and the conference site

At the very beginning of negotiations the Communists raised issues calculated to delay them. They sought adoption of an agenda that would prejudice in their favour the substance of the items to be discussed. The Communists sought, for example, to obtain agreement on language in the agenda recognizing the 38th parallel as the line of demarcation for the cease-fire. The Communists also proposed an agenda item on the withdrawal of foreign forces from Korea. The United Nations Command insisted on an objective agenda, and one was finally adopted.¹ The question of the withdrawal of foreign troops was rejected as beyond the scope of military negotiations.²

Delay was also occasioned by Communist violations of the neutrality of the conference area and failure to provide equal treatment to both delegations as originally promised. Fabricated charges by the Communists that the United Nations Command had violated the neutrality of the conference area led to suspension of the talks for two months from August to October 1951.³

(2) Arrangements for implementing the armistice

The armistice, of course, had to contain provisions for putting an end to the fighting. The United Nations Command delegation also sought arrangements which would make renewal of the hostilities less likely. The negotiations on these matters were extended and painstaking. The United Nations Command delegation wanted the broadest possible access to all parts of Korea for a supervisory body to ensure against violations of the armistice. It was quite willing to have such inspection behind its own lines. The Communists, however, for some time resisted all proposals for inspection and finally agreed to it only on a limited scale. At one point, the United Nations Command proposed inspection of the implementation of the armistice by joint teams to operate throughout Korea. Following Communist rejection of this proposal, agreement was reached on arrangements for inspection by observers drawn from countries not participating in the Korean action and acceptable to both sides. But the Communists further delayed the negotiations by nominating the Soviet Union as a "neutral"; this was of course unacceptable to the United Nations Command.⁴

The United Nations Command proposed a ban, applicable to both sides, on the construction of new military airfields and a ceiling on the

¹ See Agreed Agenda for Armistice Negotiations, July 26, 1951; *infra*, doc. 51.

² See statement by the Secretary of State, July 19, 1951; Department of State *Bulletin*, July 30, 1951, p. 188.

³ See statement by the Commander-in-Chief, U.N. Command, of August 23, 1951; *ibid.*, Sept. 3, 1951, pp. 390-391.

⁴ See Progress of Armistice Negotiations, June 13, 1951; *infra*, doc. 58.

number of civilian airfields that could be rehabilitated. Such a prohibition would have made resumption of the aggression more difficult and less likely. The Communists adamantly refused to agree to such a limitation.

(3) *Prisoners of war*

The issue that, in appearance at least, contributed most to the delay in achieving an armistice involved the repatriation of prisoners of war. From the outset the United Nations Command made it clear that, while it was prepared to repatriate all the prisoners of war in its custody, it would not agree to use force against prisoners resisting return to the Communists.¹ The Communists stubbornly insisted, however, that all prisoners of war must be returned, by force if necessary.

In an extraordinary effort to break the long continuing deadlock on this issue the United Nations Command, on 28 April 1952, offered a "package proposal"² providing that (a) there shall not be forced repatriation of prisoners of war; (b) that the United Nations Command will not insist on prohibiting reconstruction and rehabilitation of airfields; and (c) the United Nations Command agrees to accept Poland and Czechoslovakia as members of the Neutral Nations Supervisory Commission if the Communists agree to accept Sweden and Switzerland (thus withdrawing their demand for the inclusion of the Soviet Union).³

The United Nations Command made it clear that this proposal must be accepted as a unit. The Communists, however, purported to accept the second and third points only, remaining adamant on prisoners of war. As a result of their rejection, the armistice was delayed and the fighting continued for fifteen additional months. They persisted in this inhumane attitude for many months, contrary to international law and in the face of preponderant world opinion, even after the principle of non-forcible repatriation was approved by fifty-four Members of the United Nations who supported the General Assembly resolution of 3 December 1952.⁴ Communist intransigence, and Communist failure to bargain in good faith on this issue, compelled the United Nations Command to recess the plenary negotiations on 8 October 1952. They were not resumed until 26 April 1953,⁵ when the Communists finally indicated that they were prepared to consider a solution for the prisoner of war question consistent with humanitarian principles and the principles of the General Assembly resolution.

¹ See Exchanges of Prisoners of War, Jan. 2, 1952; *infra*, doc. 55.

² See Support for U.N. Three-Point Proposal in Armistice Negotiations, May 7, 1952; *infra*, doc. 57.

³ For the text of the proposal of Apr. 28, 1952, see the 45th report of the U.N. Command to the Security Council (Department of State *Bulletin*, Aug. 18, 1952, pp. 272 ff.). See also the statements of May 7, 1952, by President Truman and General Ridgway (*ibid.*, May 19, 1952, pp. 786-788).

⁴ Res. 610 (VII); *infra*, doc. 62.

⁵ See letter of Apr. 17, 1953, from Lt. Gen. W. K. Harrison, senior U.N. Command delegate, to General Nam Il, senior Communist delegate; Department of State *Bulletin*, Apr. 27, 1953, p. 608.

C. *The agreements finally reached*

All the agreements between the United Nations Command Delegation and the Communist Delegation are set forth in the attached Armistice Agreement¹ and the Prisoner of War Agreement with the Supplementary Agreement of 27 July attached to it.² In some cases, as the record of the negotiations indicates, the United Nations Command recorded its understanding as to the meaning of phrases in the Armistice Agreement that might otherwise be ambiguous.

(1) *The Military Demarcation Line*

The Communists delayed negotiations for some time by insisting that the demarcation line between both sides should be the 38th parallel. Finally, however, they recognized the merit of the United Nations Command position that the line should be determined strictly on military grounds and should correspond to the actual line of contact between the opposing forces.³ The objective of the United Nations Command in insisting on such a line was to provide maximum defensive safeguards against a possible renewal of the aggression.

The line of demarcation was first marked out on 27 November 1951, on the basis of the line of contact as of that time.⁴ It was then agreed that this should be the final demarcation line, provided an armistice was achieved within thirty days; otherwise the line should be redrawn on the basis of the line of contact at the time of the armistice. In fact, tentative agreement was reached on a new line in June 1953, when it seemed that an armistice could be signed within a very few days, but the Communists insisted that it be redrawn again to take account of the results of the offensive they launched on 13-14 July 1953. The Demarcation Line was finally agreed on the basis indicated in the map attached to the Armistice Agreement.⁵ The Demilitarized Zone was established in accordance with the agreement, each side withdrawing its forces two kilometres north and south of the Demarcation Line respectively.

(2) *Arrangements for implementing the armistice*

With the exception of the continuing disagreement on the rehabilitation of airfields, the arrangements for implementing the armistice were virtually completed by March 1952. The United Nations Command finally gave up its insistence on the limitation of airfields when it signed the armistice. The agreements on this subject may be summarized as follows:

1. There will be a cease-fire within twelve hours of the signing of an armistice.
2. Both sides will withdraw their forces from the Demilitarized Zone within seventy-two hours after the signing of an armistice.
3. All military forces will be withdrawn from rear areas and the coastal islands and waters of Korea within five days after the signing of an armistice.

¹ Agreement of July 27, 1953; *supra*, pp. 724-750. Not attached here.

² *Ibid.*

³ See Agreement on Military Demarcation Line, Nov. 23, 1951; *infra*, doc. 53.

⁴ See Principles for Carrying Out Armistice, Nov. 27, 1951; *infra*, doc. 54.

⁵ *Supra*, p. 725.

4. Both sides shall cease the introduction into Korea of reinforcing military personnel. However, the rotation of 35,000 military personnel a month shall be permitted. Rotated personnel shall enter Korea only through designated ports of entry, under the supervision and inspection of the teams of the Neutral Nations Supervisory Commission.
5. Both sides shall cease the introduction into Korea of reinforcing combat aircraft, armoured vehicles, weapons and ammunition. However, the replacement of destroyed, damaged, worn-out or used up equipment on the basis of piece-for-piece of the same effectiveness and the same type is permitted. Such replacement shall take place only through designated ports of entry, under the supervision and inspection of teams of the Neutral Nations Supervisory Commission.
6. A Military Armistice Commission, with headquarters at Panmunjom composed of military officers of the United Nations Command and the Communist forces and aided by Joint Observer Teams will:
 - (a) Supervise the implementation of the Armistice Agreement;
 - (b) Deal with alleged armistice violations and settle through negotiations any such violations;
 - (c) Report all violations of the Armistice Agreement to the Commanders of the opposing sides.
7. A Neutral Nations Supervisory Commission, with headquarters in proximity to those of the Military Armistice Commission, composed of four senior officers, two of whom shall be appointed by neutral nations nominated by the United Nations Command and two of whom shall be appointed by neutral nations nominated jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers¹ will supervise, observe, inspect, and investigate adherence to the terms of the armistice agreement relative to the introduction into Korea of reinforcing military personnel and equipment. At the request of the Military Armistice Commission or senior member of either side, it can conduct special observation and inspection at places outside the demilitarized zone where violations have been reported. Twenty inspection teams, ten of which will be located at the designated ports of entry, five in North Korea and five in South Korea, with ten mobile teams in reserve, will assist the Commission.

(3) *The political conference following an armistice*

In order to counter the constant efforts of the Communists to inject political questions into the Korean armistice negotiations, and to prevent such extraneous issues from delaying armistice negotiations, the United Nations Command agreed to dispose of political questions

¹ Concerning subsequent appointment of the representatives to the Neutral Nations Repatriation Commission, see Department of State *Bulletin*, June 22, 1953, p. 868.

favour, with only the Soviet bloc in opposition, the General Assembly adopted resolution 610 (VII).¹ This resolution specified that force should not be used against prisoners to prevent or effect their return, and it set forth a detailed series of proposals which the Assembly believed would form a just and reasonable basis for an agreement on the prisoner issue. The Communists rejected this plan, and hopes for an armistice in the foreseeable future appeared dim.

Nevertheless, the Unified Command continued to examine every possibility for solving the prisoner question. Seizing the opportunity offered by a resolution adopted by the Executive Committee of the League of Red Cross Societies on 13 December 1952, which appealed to the parties, as a gesture of good will, to implement the humanitarian principles of the Geneva Convention by repatriating sick and wounded prisoners of war, the Commander-in-Chief of the United Nations Command, on 22 February 1953, addressed a letter to the Communist commanders stating that the United Nations Command still remained ready to implement, immediately, the repatriation of the sick and wounded, and asking if the Communists were prepared to proceed with the repatriation of sick and wounded prisoners in their custody.² The United Nations Command had made this same proposal to the Communists on a number of previous occasions during the armistice negotiations, but they had failed to respond. It was hoped that the Communists would at last agree to such an exchange, that it would bring about the return of at least some of the United Nations Command prisoners of war, and that this first step might pave the way for the solution of the prisoner issue as a whole. The hopes of the United Nations Command in this regard proved not unwarranted. On 28 March the Communists agreed to the principle of the exchange of sick and wounded, which they stated "should be made to lead to the smooth settlement of the entire question of prisoners of war", and arrangements for the exchange were initiated through the respective liaison officers on 6 April.³

The Communist acceptance was followed on 30 March by a statement by Chou En-lai, Foreign Minister of the Communist People's Government of the People's Republic of China, subsequently endorsed by the Prime Minister of the North Korean regime,⁴ indicating a desire to resume negotiations on the entire prisoner question and a readiness to take a more constructive and humane attitude on the question of forcible repatriation.

Sick and wounded prisoners of war were in fact exchanged between 20 April and 3 May 1953 pursuant to an agreement reached on 11 April 1953.⁵

¹ *Infra* doc. 62.

² See U.N. Proposal for the Exchange of Sick and Wounded Prisoners of War, Feb. 22, 1953; *infra*, doc. 63.

³ See U.N. Request for Detailed Communist Statement Concerning the Question of Repatriating Prisoners of War, Apr. 5, 1953; *infra*, doc. 64.

⁴ *Ibid.*

⁵ See Repatriation of Sick and Injured Captured Personnel, Apr. 11, 1953; *infra*, doc. 65. See also the 67th Report of the U.N. Command (S/3084), Aug. 21, 1953; also found in Department of State *Bulletin*, Oct. 28, 1953, pp. 423-425.

by recommending their consideration at a political conference following an armistice. The United Nations Command Delegation accepted a revised Communist proposal now contained in article 60 of the Armistice Agreement, which provides:

"In order to insure the peaceful settlement of the Korean question, the military Commanders of both sides hereby recommend to the governments of the countries concerned on both sides that, within three (3) months after the Armistice Agreement is signed and becomes effective, a political conference of a higher level of both sides be held by representatives appointed respectively to settle through negotiation the questions of the withdrawal of all foreign forces from Korea, the peaceful settlement of the Korean question, etc."

(4) *Prisoners of war*

The background of this question, and the position of the United Nations Command was outlined in the Special Unified Command report of 18 October 1952 (A/2228).¹ As indicated at that time, the only issue preventing agreement was Communist insistence that all prisoners of war must be repatriated, even if the use of force should be necessary to effect their return, and United Nations Command refusal to use force against such unwilling prisoners. When the Communists insisted that there were in fact no prisoners who refused to be repatriated, but that the United Nations Command was detaining them against their will, the United Nations Command made numerous proposals for impartial determination of the true attitudes of the prisoners of war. The Communists refused to submit this question to the test and thus further delayed achievement of an armistice.

On 8 October 1952, the United Nations Command Delegation recessed the negotiations.² In doing so, it made clear that the numerous proposals which it had made for an honourable solution of the prisoner question remained open. Whenever the Communists were prepared to negotiate in good faith, to accept any one of the United Nations Command proposals, or to make a constructive proposal of their own on the prisoner issue, the United Nations Command Delegation would be prepared to meet again.

At this juncture the Korean question came before the General Assembly, and the United States Government, as the Unified Command, reported on the state of the negotiations. It urged the Assembly to approve the principle of nonforcible repatriation and to call upon the Communists to accept an armistice on this basis. A definite plan for the solution of the prisoner-of-war question was proposed by India and discussed in the hope of gaining Communist approval, and on 3 December 1952, by a majority of 54 votes in

¹ Released also as U.S. delegation press release No. 1554, Oct. 18, 1952.

² See Suspension of the Korean Armistice Negotiations, Oct. 8, 1952; *infra*, doc. 61.

Negotiations by the plenary armistice delegations on the prisoner-of-war question as a whole resumed on 26 April. At the outset, the Communists submitted a proposal¹ for sending all prisoners not directly repatriated to an agreed neutral State where for six months after their arrival representatives of the States to which they belonged would "explain" to them matters related to their return; if after this period any non-repatriates remained, their disposition would be referred to the political conference. Discussion subsequently centered upon the questions of what neutral State should be nominated, of whether non-repatriates should be removed from Korea, and how long the non-repatriates would remain in neutral custody.

On 7 May, the Communists put forward a new proposal² providing for establishment of a Neutral Nations Repatriation Commission to be composed of the four States already nominated for membership on the Neutral Nations Supervisory Commission, namely, Czechoslovakia, Poland, Sweden and Switzerland, and India as agreed upon by both sides. This Commission was to take custody of the prisoners in Korea. The United Nations Command on 13 May³ presented a counter-proposal shortening the period of time in which the non-repatriates would remain in neutral custody, providing for release of Korean non-repatriates immediately after the armistice, and proposing that only Indian forces take actual custody of the non-repatriates. The Communists rejected this proposal.

On 25 May, the United Nations Command, in another effort to obtain Communist agreement on an equitable solution of the prisoner issue, submitted a new proposal⁴ providing for the transfer of both Korean and Chinese non-repatriates to neutral custody and for consideration of the disposition of any remaining non-repatriates by the political conference for a limited period, after which they might either be released to civilian status or the question of their disposition referred to the General Assembly. On 4 June, the Communists offered a counter-proposal in effect based upon the mechanics of General Assembly resolution 610 (VII), also closely paralleling the United Nations Command 25 May proposal, but vague on the basic principle of non-forcible repatriation. The United Nations Command succeeded in reaching agreement with the Communists on elaboration of the Neutral Nations Repatriation Commission's terms of reference to insure that there could be no abuse and that the principle approved by the General Assembly that force should not be used to compel or to prevent repatriation of any prisoner of war would be fully observed.

On 8 June, the Senior Delegates for the United Nations Command and for the Communists signed the Prisoner-of-War Agreement which is attached to and incorporated by reference in the Armistice Agree-

¹ See Department of State *Bulletin*, May 11, 1953, pp. 687-688.

² *Ibid.*, May 18, 1953, p. 727.

³ *Ibid.*, May 25, 1953, pp. 755-757.

⁴ See 70th Report of the U.N. Command, Sept. 14, 1953 (S/3096).

ment.¹ The delegations then proceeded to the final arrangements looking toward an early signature of the armistice.

As a result of discussions with the Republic of Korea, described in the succeeding section, a Supplementary Agreement on Prisoners of War was signed on 27 July 1953,² which permits the United Nations Command (and the Communists if applicable), to transport the non-repatriates to the Demilitarized Zone where the Neutral Nations Repatriation Commission will take custody of them.

D. *The attitude of the Republic of Korea*

On 18 June an incident occurred which further delayed the achievement of an armistice at a time when the conclusion of hostilities seemed imminent. On that date, officials of the Republic of Korea brought about a break-out from prisoner-of-war camps of some 27,000 Korean prisoners of war who had previously indicated they would resist repatriation to North Korea.³ This action by the Republic of Korea was inconsistent with the 8 June Agreement on Prisoners of War which the United Nations Command had entered into on behalf of all the forces under its command. The United Nations Command at once protested the action of the Republic of Korea Government.⁴ It immediately informed the Communists of the event and told them that, while efforts would be made to recover as many of the escapees as possible, there was not much hope that many of these could be recaptured since they had melted into the South Korean population.⁵

This incident led to immediate discussions with the Republic of Korea by representatives of the Unified Command.⁶ After prolonged conversations, the Republic of Korea gave assurances that it would not obstruct the implementation of the terms of the Armistice Agreement.

The incident, however, gave the Communists an excuse for delaying still further the conclusion of the armistice. They demanded assurances that the United Nations Command would live up to the Armistice Agreement, that the Republic of Korea and its forces would also abide by it, and that the released prisoners would be recaptured.⁷ The United Nations Command reply to the Communists stressed that the armistice was a military agreement between military commanders and that it was being entered into by the United Nations Command,

¹ Agreement of July 27, 1953; *supra*, pp. 724-750.

² *Ibid.*

³ See Escape of North Korean Non-Repatriate Prisoners of War, June 18, 1953; *infra*, doc. 66.

⁴ See Escape of Prisoners of War, June 20, 1953; *infra*, doc. 67. See also message of June 22, from the President of the U.N. General Assembly, Lester B. Pearson, to the President of the Republic of Korea; Department of State *Bulletin*, July 6, 1953, pp. 14-15.

⁵ See Escape of Prisoners of War, June 29, 1953; *infra*, doc. 68.

⁶ Concerning these discussions, see statement by Assistant Secretary Robertson of June 22 on his departure for Korea (Department of State *Bulletin*, July 6, 1953, p. 14) and statement by the Secretary of State of June 30 on the status of the Rhee-Robertson discussions (*ibid.*, July 13, 1953, pp. 45-46). See also Common Objectives with Respect to Korea, July 11, 1953; *infra*, doc. 82.

⁷ See letter from the Commanders-in-Chief of the North Korean and Chinese Communist Forces in Korea to the Commander-in-Chief, U.N. Command, June 19, 1953; Department of State *Bulletin*, June 29, 1953, pp. 906-907.

as Commander of all the forces under its command, including those of the Republic of Korea. The United Nations Command Delegation also told the Communists that so far as recovering the released prisoners of war, as they had already been informed, this would be impossible; they were assured, however, that the remaining non-repatriate prisoners would be turned over to the Neutral Nations Repatriation Commission, as provided by the agreement on prisoners of war. The Communists were assured that the United Nations Command forces (including those of the Republic of Korea) would observe the armistice. The United Nations Command informed the Communists, however, that it would not undertake to use force against the Republic of Korea forces to ensure compliance with the armistice by the Republic of Korea.¹

Despite these comprehensive assurances by the United Nations Command, the Communists continued to delay negotiations and in the meanwhile launched the biggest offensive in more than two years, an offensive which obviously took much planning and preparation and caused heavy casualties. Finally, however, on 19 July, the Communists stated their readiness to proceed with the final work on the Armistice Agreement leading to its signature.

The armistice was finally signed on 27 July 1953, at 10 a. m. Korean time.

49. INITIAL EXCHANGES BETWEEN SOVIET AND UNITED STATES REPRESENTATIVES AT THE UNITED NATIONS CONCERNING NEGOTIATION OF AN ARMISTICE: Statement by the Department of State, June 28, 1951²

The United States has sought in New York and in Moscow a clarification on certain aspects of the statement made by Jacob A. Malik, the Soviet representative at the United Nations, on June 23.³

Deputy Foreign Minister Gromyko received the United States Ambassador in Moscow on June 27. In discussing Mr. Malik's statement, Mr. Gromyko indicated that it would be for the military representatives of the Unified Command and of the Korean Republic Command, on the one hand, and the military representatives of the North Korean Command and of the "Chinese volunteer units," on the other, to negotiate the armistice envisaged in Mr. Malik's statement. The armistice, Mr. Gromyko pointed out, would include a cease-fire and would be limited to strictly military questions without involving any political or territorial matters; the military representatives would discuss questions of assurances against the resumption of hostilities.

Beyond the conclusion of an armistice, the Soviet Government had no specific steps in mind looking toward the peaceful settlement to which Mr. Malik referred. Mr. Gromyko indicated, however, that

¹ See *Escape of Prisoners of War*, June 29, 1953; *infra*, doc. 68.

² Department of State *Bulletin*, July 9, 1951, p. 45.

³ Text in *New York Times*, June 24, 1951.

it would be up to the parties in Korea to decide what subsequent special arrangements would have to be made for a political and territorial settlement. He said that the Soviet Government was not aware of the views of the Chinese Communist regime on Mr. Malik's statement.

The implications of Mr. Gromyko's observations are being studied. The Department of State is consulting with the representatives of other countries having armed forces in Korea under the Unified Command.

50. PROPOSED INITIAL MEETING TO DISCUSS AN ARMISTICE: Message From the Commander-in-Chief, United Nations Command,¹ to the Commanders-in-Chief of the Chinese Communist and North Korean Forces,² June 30, 1951³

As Commander in Chief of the United Nations Command I have been instructed to communicate to you the following:

I am informed that you may wish a meeting to discuss an armistice providing for the cessation of hostilities and all acts of armed force in Korea, with adequate guarantees for the maintenance of such armistice.

Upon the receipt of word from you that such a meeting is desired I shall be prepared to name my representative. I would also at that time suggest a date at which he could meet with your representative. I propose that such a meeting could take place aboard a Danish hospital ship [*Jyllandia*] in Wonsan harbor.

51. AGREED AGENDA FOR ARMISTICE NEGOTIATIONS: Announcement by the Commander-in-Chief, United Nations Command, July 26, 1951⁴

This afternoon the delegations representing the belligerent forces in Korea in the conference at Kaesong agreed upon an agenda for the regulation of the military armistice conference.

This agenda is as follows:

1. Adoption of agenda.
2. Fixing a military demarcation line between both sides so as to establish a demilitarized zone as a basic condition for a cessation of hostilities in Korea.
3. Concrete arrangements for the realization of a cease-fire and an armistice in Korea, including the composition, authority and functions of a supervising organization for carrying out the terms of a cease-fire and armistice.
4. Arrangements relating to prisoners of war.

¹ Gen. M. B. Ridgway.

² Marshal Kim Il Sung and General Peng Teh-huai.

³ Department of State *Bulletin*, July 9, 1951, p. 43. Brackets inserted in *Bulletin* account.

⁴ *Ibid.*, Aug. 26, 1951, pp. 231-232.

5. Recommendations to the governments of the countries concerned on both sides.

Having agreed upon an agenda, the way now is clear for the delegations to enter the area of really substantive discussion of the terms of a military armistice. Major problems remain to be solved in these discussions. It is much too early to predict either the success or the rate of progress to be obtained. Preliminary discussion began immediately after the agreement on the agenda in order that the potential for halting bloodshed in Korea may be realized as soon as possible.

It must be fully realized that mutual acceptance of an agenda is merely the initial step for the final goal of a military armistice and resultant cease-fire, which must be achieved under conditions giving every reasonable assurance against the resumption of hostilities.

There are numerous basic points within the framework of the agenda on which agreement must be reached and on which there is presently wide diversion of views.

52. REQUEST FOR COOPERATION OF THE SOVIET UNION IN NEGOTIATING A KOREAN ARMISTICE: Statement Read by the American Ambassador at Moscow¹ to the Soviet Minister for Foreign Affairs,² October 5, 1951³

I have been instructed before leaving Moscow for an extended period to take advantage of the opportunity to discuss certain matters now causing international tension and standing in the way of improved relations between our two countries.

At the present time the most explosive outstanding issue is Korea, and the armistice talks are the most immediate aspect of that problem. The cessation of fighting in Korea on a mutually acceptable basis would serve to reduce tensions and contribute to an atmosphere in which further constructive steps might be taken toward the solution of other pressing international problems.

The developments between the United Nations Command and the North Korean and Chinese Communist negotiators are incomprehensible to the United States Government. The North Korean and Chinese Communist proposals in regard to an armistice line are inconsistent with the current military situation and with statements which Acting Foreign Minister Gromyko made to me upon the occasion of my call on him on June 27 of this year to clarify the earlier public statement by Mr. Malik in New York on June 25.⁴ In that interview Mr. Gromyko explained that the Soviet Government envisaged a meeting of the opposing commands to conclude a military armistice which would include a cease fire and which would be limited

¹ Alan G. Kirk.

² Andrei Y. Vyshinsky.

³ Department of State *Bulletin*, Oct. 29, 1951, pp. 687-688.

⁴ See Initial Exchanges Between Soviet and U.S. Representatives Concerning Negotiations for an Armistice, June 28, 1951; *supra*, doc. 49.

strictly to military questions and would not involve any political or territorial matters.

The United Nations Command was surprised and disappointed to discover that the opposing negotiators kept insisting upon an armistice line not strictly military in character which introduced complicated political and territorial issues contrary to the understanding on which the United Nations Command had entered the negotiations and which does not conform to the military requirements for a satisfactory armistice line. To take important political steps in military conversations between the United Nations Commander on the one side and commanders on the other, who profess to represent Chinese "volunteers" and a North Korean regime which enjoys no international status, cannot be accepted. The United Nations Commander was authorized to participate in such military talks with the thought that this would provide the Soviet Government with an opportunity to assist in bringing about an armistice. This does not mean that the United States Government is prepared to dispose of important political matters in talks with such irregular Communist military personnel. Political issues of a Korean settlement must be dealt with subsequent to an armistice by the United Nations and by the governments concerned on a responsible basis.

In the opinion of the United States Government the attitude of the Communist bloc toward the restoration of peace will be tested by whether the North Korean and Chinese Communist negotiators are prepared to reach an armistice settlement based on purely military factors; upon a reasonable line affording safety to the armed forces of both sides; and upon adequate arrangements for the inspection of compliance with the armistice terms; and for the satisfactory disposition of prisoners of war. The Soviet Government must surely recognize that, as a simple statement of fact, the breakdown of armistice talks in Korea would add greatly to the explosive character of the situation and might stimulate a course of events which would be undesirable from the point of view of both our governments. The United States Government for its part has clearly shown by its declarations and by its actions that it desires an end to the conflict in Korea and to prevent its spreading to other areas, purposes which the Soviet Government has publicly stated it shares.

With regard to the current status of the armistice talks, I wish to affirm that the United Nations Command is sincerely desirous of concluding an armistice. However, past experience with the Kaesong site fully illustrates the fact that this place does not afford adequate protection guaranteeing the security of the negotiations. The insistence of the United Nations Command upon another site which will not be under the control of either side and to which both sides will have free access should eliminate the possibility of incidents and insure that the talks can be resumed with good prospect of success. In proposing to discuss the change of site from Kaesong, the sole purpose of the United Nations Command has been to obtain a resumption of the talks in a truly neutral area with equality of rights and access and to obviate the possibility of charges and countercharges

concerning incidents which have plagued the talks to this date. In the eyes of the United Nations Command there is no reason why agreement on another site truly neutral cannot be quickly agreed upon by both sides and the talks resumed.

Of all the problems and causes of tensions in the postwar world the Korean problem presents the clearest immediate issue. The invasion of South Korea on June 25, 1950 was an act of naked aggression—a fact understood throughout the world. The very fact that the North Korean Army almost succeeded in reaching Pusan in the early stages of the war demonstrates clearly upon whose responsibility the aggression lay. However, I have no desire now to enter into a fruitless discussion concerning what has been done; what I do wish to impress upon you is the seriousness of the present impasse in the Korean armistice talks. It is hoped that the Soviet Government will act to the end that the North Korean and Chinese Communist negotiators will conclude a realistic armistice agreement which would afford safety for both sides and which does not become involved with political and territorial issues with which the governments of the United Nations must deal.

I assume that the Soviet Government is receiving full and objective reports concerning developments outside the Soviet Union and the attitude of the United States and other states confronted by Soviet policies which have proved uncompromising and not contributory to the solution of mutual problems. The Soviet Government does not need to be told that other nations are determined to defend their own way of life and independence. The measures now being taken by the United States and other governments to increase their security are for defense and defense alone. On specific instructions of my government I wish to assure the Soviet Government that the United States has no aggressive designs on the U.S.S.R. or on anyone and it is our hope that there may soon be restored to the nations of the world a sense of confidence and security which should be conducive to the settlement of outstanding issues embittering international relations. Nothing could contribute more to this as an immediate first step than the successful outcome of the Korean armistice talks.

Without the achievement of an armistice in Korea, there is little if any prospect for any real solution of other problems besetting us throughout the world. An armistice in Korea might open up perspectives for the useful discussion of other measures which may be taken to alleviate existing tensions. In conclusion I should like to express the hope of the United States Government that an armistice can be achieved and that the Soviet Government will act to that end.¹

¹ For the text of the reply of Oct. 15, 1951, by the Soviet Minister for Foreign Affairs counter-charging obstruction of an armistice by the Commander-in-Chief, U.N. Command, see Department of State *Bulletin*, Oct. 29, 1951, pp. 688-691.

53. BASIS FOR ESTABLISHING A MILITARY DEMARCATION LINE: Agreement Reached Between Representatives of the United Nations Command and the Chinese Communist and North Korean Commands, November 23, 1951¹

1. The principle is accepted that the actual line of contact between both sides (as determined under either paragraph two or three, as appropriate) will be made the military demarcation line and that at the time specified in the signed armistice agreement both sides will withdraw two kilometers from this line so as to establish the demilitarized zone for the duration of the military armistice.

2. In accordance with the above-stated principle, the subdelegations will determine immediately the present line of contact so as to fix it as the military demarcation line and as the median line of the demilitarized zone. If the military armistice agreement is signed within 30 days after the two delegations approve in the plenary session this agreement and the specific location of the above military demarcation line and demilitarized zone, the military demarcation line and demilitarized zone shall not be changed, regardless of whatever changes may occur in the actual line of contact between both sides.

3. In view of the fact that hostilities will continue until the signing of the armistice agreement, if the military armistice agreement is not signed within 30 days after the two delegations approve in the plenary session this line and the demilitarized zone as determined in paragraph two above, the subdelegations shall revise, immediately prior to the signing of the military armistice agreement, the above-mentioned demarcation line and the demilitarized zone in accordance with the changes which have occurred in the actual line of contact between both sides so that the revised military demarcation line will coincide exactly with the line of contact between both sides immediately prior to the signing of the military armistice agreement and will constitute the military demarcation line for the duration of the military armistice

54. PRINCIPLES FOR CARRYING OUT AN ARMISTICE: Proposal by the United Nations Command, November 27, 1951²

On November 27 the joint subcommittee accepted the staff officers' decision on the location of the battle line. Later the same day the Military Armistice Conference began its first plenary session since October 25 by ratifying the joint subcommittee's recommendation as to the establishment of a line of demarcation.

The full conference then proceeded to a discussion of procedures to be

¹ Department of State *Bulletin*, Dec. 24, 1951, p. 1036. Concerning the reaching of agreement between U.N. Command and Communist staff officers as to the exact location of a military demarcation line on Nov. 26, 1951, see *ibid.*, p. 1037. See also *infra*.

² *Ibid.*, p. 1037.

followed after the signing of an armistice agreement. The U.N. delegation presented the following principles:

1. There shall be a cease-fire, effective within 24 hours of the signing of the armistice agreement, and adhered to by all forces of any type under the control of either side.
2. There shall be established a supervisory organization, equally and jointly manned by both sides, for carrying out the terms of the armistice agreement.
3. There shall be no increase of military forces, supplies, equipment, and facilities by either side after the signing of the armistice.
4. The Military Armistice Commission, in carrying out its supervisory functions, shall have free access to all parts of Korea, for itself and for the joint observation teams responsible to the Armistice Commission.
5. There shall be general withdrawal of forces of each side, Air, Ground, and Naval, Regular and Irregular, from the territory controlled by the other side.
6. There shall be no armed forces in the Demilitarized Zone except as specifically and mutually agreed by both sides.
7. The Military Commanders shall administer their portion of the Demilitarized Zone in accord with the terms of the military armistice agreement.

55. EXCHANGE OF PRISONERS OF WAR: Proposal by the United Nations Command, January 2, 1952¹

The UNC [United Nations Command] proposal is as follows:

1. POWs [Prisoners of War] who elect repatriation shall be exchanged on a one-for-one basis until one side has exchanged all such POWs held by it.
2. The side which thereafter holds POWs shall repatriate all those POWs who elect to be repatriated in a one-for-one exchange for foreign civilians interned by the other side, and for civilians and other persons of the one side who are at the time of the signing of the armistice in the territory under control of the other side, and who elect to be repatriated. POWs thus exchanged shall be paroled to the opposing force, such parole to carry with it the condition that the individual shall not again bear arms against the side releasing him.
3. All POWs not electing repatriation shall be released from POW status and shall be paroled, such parole to carry with it the condition that the individual will not again bear arms in the Korean conflict.
4. All remaining civilians of either side who are, at the time of the signing of the armistice, in territory under control of the other side, shall be repatriated if they so elect.

¹ Department of State *Bulletin*, Jan. 21, 1952, pp. 105-106. For the text of a Soviet counter-proposal introduced in Committee I of the U.N. General Assembly on Jan. 3, 1952, and comments thereon by the Secretary of State, see *ibid.*, Jan. 14, 1952, pp. 46-47.

5. In order to insure that the choice regarding repatriation is made without duress, delegates of the ICRC¹ shall be permitted to interview all POWs at the points of exchange, and all civilians of either side who are at the time of the signing of the armistice in territory under the control of the other side.

6. For the purposes of paragraphs 2, 4 and 5, civilians and other persons of either side are defined as those who on 25 June 1950 were bona-fide residents of either ROK² or the DPRK.³

In summary, the UNC proposal provides for the release of all POWs, including soldiers of the other side who may have been incorporated into the army of the detaining power. Thus, it is consistent with the first principle advanced by your side that all POWs be released. As regards repatriation, it permits freedom of choice on the part of the individual, thus insuring that there will be no forced repatriation against the will of an individual. It provides repatriation not for POWs alone but for those other victims of war, the displaced civilians. All those who desire it are permitted to return to their former homes. Finally the proposal provides for a supervisory organ to interview the persons involved to insure that, whatever their choice, such choice will be made freely and without duress.

In advocating your proposal of an all-for-all exchange of prisoners of war your side has many times asked the question, "What could be fairer than the release and repatriation of all prisoners of war following the armistice?" Today, in the proposal, the UNC gives you the answer to that question. The release of all persons who are or should be classified as prisoners of war, and the repatriation of those who desire to be repatriated, is fairer than the release and forced repatriation of all prisoners of war. Moreover, it is fairer to permit displaced civilians who so desire to return to their former homes, under the Armistice Agreement, than to neglect their interests in that agreement.

We ask your earnest consideration and early acceptance of this proposal.

56. CONVENING OF A SPECIAL SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY UPON CONCLUSION OF AN ARMISTICE AGREEMENT: Resolution 507 (VI) of the United Nations General Assembly, February 5, 1952⁴

The General Assembly,

Desiring to facilitate to the greatest possible extent the negotiations in Panmunjom and the conclusion of an armistice in Korea, and

Wishing to avoid premature consideration of items 17 and 27 of the agenda of the present session,⁵

¹ International Committee of the Red Cross.

² Republic of Korea.

³ Democratic People's Republic of Korea (North Korea).

⁴ U.N. General Assembly, *Official Records, Sixth Session, Supplement No. 20* (A/2119), p. 7.

⁵ Item 17 concerned the problem of the independence of Korea; item 27, the relief and rehabilitation of Korea.

I

Decides that:

(a) Upon notification by the Unified Command to the Security Council of the conclusion of an armistice in Korea, the Secretary-General shall convene a special session of the General Assembly at the Headquarters of the United Nations to consider the above-mentioned items; or

(b) When other developments in Korea make desirable consideration of the above-mentioned items, the Secretary-General, acting in accordance with Article 20 of the Charter and with the rules of procedure of the General Assembly,¹ shall convene a special session or an emergency special session of the General Assembly at the Headquarters of the United Nations;

II

Requests the Negotiating Committee for Extra-Budgetary Funds established by General Assembly resolution 571 B (VI) of 7 December 1951² to undertake negotiations regarding voluntary contributions to the programme of the United Nations Korean Reconstruction Agency for the relief and rehabilitation of Korea.

57. THREE-POINT PROPOSAL FOR AN ARMISTICE SUBMITTED BY THE UNITED NATIONS COMMAND: Statement by the President, May 7, 1952³

The United States fully approves and supports without qualification the proposal for reaching an armistice which General Ridgway has offered to the Communist aggressors in Korea.⁴

Last July the United Nations forces had repulsed Communist aggression in Korea, had proved to the Communists that aggression cannot pay, and had brought new hope for peace to free men around the world. The Soviet Union then indicated that Korean hostilities could be terminated by a military armistice. The United Nations Command in good faith and in a sincere desire to find a basis for a peaceful settlement began armistice talks with the Communists in Korea.

After many trying months of negotiation, in which each issue has been dealt with individually, tentative agreement has been reached

¹ U.N. doc. A/520/Rev. 2, June 5, 1951.

² U.N. General Assembly, *Official Records, Sixth Session, Supplement No. 20* (A/2119), p. 66.

³ Department of State *Bulletin*, May 19, 1952, pp. 787-788.

⁴ The proposal was made to the Communists at Panmunjom by the U.N. Command Delegation on Apr. 28, 1952, in an executive session. Following the Communist rejection of the proposal, the executive sessions were terminated, and General Ridgway released the substance of the proposal to the press (see *ibid.*, pp. 786-787).

on all but three issues. It is now apparent that the three remaining issues cannot be resolved separately. The United Nations Command proposal offers a just and a real opportunity to resolve these three issues together and simultaneously. The three-point proposal is:

1. That there shall not be a forced repatriation of prisoners of war—as the Communists have insisted. To agree to forced repatriation would be unthinkable. It would be repugnant to the fundamental moral and humanitarian principles which underlie our action in Korea. To return these prisoners of war in our hands by force would result in misery and bloodshed to the eternal dishonor of the United States and of the United Nations.

We will not buy an armistice by turning over human beings for slaughter or slavery.

The United Nations Command has observed the most extreme care in separating those prisoners who have said they would forcibly oppose return to Communist control. We have offered to submit to an impartial re-screening—after an armistice—of those persons we would hold in our custody.

Nothing could be fairer. For the Communists to insist upon the forcible return to them of persons who wish to remain out of their control is an amazing disclosure before the whole world of the operation of their system.

2. That the United Nations Command will not insist on prohibiting reconstruction or rehabilitation of airfields.

3. That the neutral nations supervisory commission should comprise representatives of four countries; Poland and Czechoslovakia chosen by the Communists, Sweden and Switzerland chosen by the United Nations Command.

The three parts of General Ridgway's proposal are all parts of a whole. They must be considered as an entity—not piecemeal. Our agreement is contingent upon acceptance of the whole proposal. This is our position. The Communists thus far have indicated only a willingness to withdraw their proposal that the U.S.S.R. be a member of the neutral inspection commission. This spurious issue was raised by them late in negotiations and its withdrawal is no real concession on their part.

The patience and understanding shown by General Ridgway and the United Nations Command negotiators merit the highest praise. In spite of almost overwhelming provocation, they have made real progress in reaching agreement on many substantial terms for an armistice. General Ridgway's proposal offers a sound and sensible way to settle the remaining issues all at once. It will have compelling appeal to those sincerely desiring peace.

58. PROGRESS OF THE ARMISTICE NEGOTIATIONS: Forty-Second Report of the Commander-in-Chief, United Nations Command, to the United Nations Security Council, June 13, 1952 (Excerpt) ¹

Substantive progress was made on agenda item 3, concrete arrangements, through the persistent efforts of United Nations Command staff officers.

The subject of ports of entry was finally resolved when the United Nations Command reduced its requirement for these complexes from six to five and the Communists agreed to the following United Nations Command provisions:

A. A port of entry shall include the railheads, airheads and seaport facilities associated with and supporting a city, and

B. Rotation and replenishment shall be conducted only in the mutually agreed ports of entry.

Detailed maps of the ports of entry were prepared by each side and were exchanged. The following specific ports of entry have been prepared:

A. By the Communists: Sinuiju, Chongjin, Manpojin, Hungnam and Sinanju.

B. By the United Nations Command: Pusan, Inchon, Kangnung, Kunsan and Taegu.

Slight progress was made on the subject of the neutral nations inspection teams when the Communists agreed, on the staff officers level, that these teams will not be authorized to inspect or examine secret designs or characteristics of combat aircraft, armored vehicles, weapons or ammunition.

The United Nations Command Representatives have brought up repeatedly the problem of neutral nations and the previously agreed to principle which stated that the neutral nations would be selected on the basis of being mutually acceptable to both sides, reiterating their stand that the Union of Soviet Socialist Republics is not acceptable to the United Nations Command as a neutral nation. In each instance the Communist side answered with vague generalities.

There are only two important issues remaining to be settled under agenda item 3. United Nations Command reports numbers thirty-seven, thirty-eight and forty ² have explained the United Nations Command position on these issues, which are:

A. Agreement to limit airfield construction and rehabilitation

B. Agreement on the composition of the neutral nation inspection teams

¹ U.N. doc. S/2662, June 13, 1952, pp. 2-3.

² Department of State *Bulletin*, Apr. 14, 1952, pp. 597-599; *ibid.*, May 5, 1952, pp. 715-718; *ibid.*, June 23, 1952, pp. 998-1001.

59. REQUEST FOR SOVIET GOOD OFFICES IN OBTAINING NORTH KOREAN AND CHINESE COMMUNIST COMPLIANCE WITH THE 1949 GENEVA CONVENTION ON TREATMENT OF PRISONERS OF WAR: Note Delivered by the American Ambassador at Moscow¹ to the Soviet Foreign Minister,² July 23, 1952³

Early in the course of the Korean hostilities, on July 13, 1950, the North Korean authorities issued a declaration stating that they would strictly abide by the principles of the Geneva Convention in respect to prisoners of war.⁴ On July 16, 1952, the Chinese Communist authorities issued a declaration of intention to adhere, with certain reservations, to the Geneva Convention of August 12, 1949, for the protection of prisoners of war.

Up to the present time, the Chinese Communist and North Korean authorities have failed to observe the provisions of the Geneva Convention. More specifically, the following provisions which are of particular importance to the welfare of the personnel of the United Nations Command who are prisoners in North Korean and Chinese Communist hands have not been observed: inspection of prisoner of war camps by an impartial international body has not been permitted (Article 126); relief parcels have not been delivered (Article 72); and prisoner of war camps have been placed in areas in proximity to military objectives, exposing the prisoners to danger of attack (Article 23).

The United Nations Command has consistently abided by the provisions of the Geneva Convention and has in good faith carried out the responsibilities laid upon belligerents by this convention.

It is, therefore, requested that in the interest of the accomplishment of the humanitarian objectives of the Geneva Convention, the Government of the Union of Soviet Socialist Republics use its good offices with the North Korean and Chinese Communist authorities, for the purpose of requesting them to observe the provisions of the Geneva Convention.

60. PROPOSAL FOR A SOLUTION OF THE PRISONER OF WAR PROBLEM: Statement by the Chief United Nations Command Negotiator⁶ at Panmunjom, September 28, 1952⁶

I have an important statement to make. For many weeks the prisoner of war issue has blocked the achievement of an armistice in Korea. On July 1 we suggested to you that a solution to the problem

¹ George F. Kennan.

² Andrei Y. Vyshinsky.

³ Department of State *Bulletin*, Aug. 4, 1952, pp. 171-172.

⁴ *Geneva Conventions of August 12, 1949 for the Protection of War Victims* (Department of State publication 3938; 1950), pp. 84-161. The convention was ratified by the United States on July 14, 1955.

⁵ Lt. Gen. William K. Harrison, Jr.

⁶ Department of State *Bulletin*, Oct. 6, 1952, pp. 549-550.

must be one that to a reasonable degree meets the requirements of both sides. You have admitted the soundness of that proposition.

It must now be clear to you that one of the requirements of our side which cannot be compromised is that of no forced repatriation.

Within this humanitarian principle the United Nations Command has made honest efforts to achieve an armistice. So that there can be no doubt of the objectivity and sincerity with which the United Nations Command delegation has attempted to find a solution to the prisoner of war question, I will restate the proposals which we have previously offered and which you have summarily rejected.

We have previously proposed that joint teams or Red Cross teams, with or without military observers of both sides, be admitted to the prisoner of war camps of both sides to verify the fact that non-repatriates would forcibly resist return to the side from which they came. As an alternative we proposed that all prisoners of war of both sides be delivered in groups of appropriate size to the demilitarized zone and given the opportunity to express their preference on repatriation, the interview to be done by one or a combination of the following:

- A. International Committee of the Red Cross
- B. Teams from impartial nations
- C. Joint teams of military observers
- D. Red Cross representatives from each side

Either one of these proposals, if accepted by your side, would have allayed any legitimate fear you might have had that the prisoners of war were being coerced into rejecting repatriation to your side and would have produced an armistice.

I now present to you three additional alternate proposals any one of which will lead to an armistice if you truly desire one.

I ask that you give careful consideration to them because they represent the only remaining avenues of approach on which our side can agree to an armistice. All of these proposals are based on the prior formal acceptance of an armistice by both sides, with the disposition of prisoners of war to be determined thereafter according to one of the following procedures.

A. Proposal Number One:

As soon as the armistice agreement goes into effect all prisoners of war in the custody of each side shall be entitled to release and repatriation. Such release and repatriation of prisoners of war shall begin in accordance with the provisions of article three of the armistice agreement. Both sides agree that the obligation to exchange and repatriate prisoners of war shall be fulfilled by having them brought to an agreed exchange point in the demilitarized zone. The prisoner of war shall be identified and his name checked against the agreed list of prisoners of war in the presence, if desired, of one or a combination of the International Committee of the Red Cross, joint Red Cross teams, or joint military teams. The prisoner of war shall thereupon be considered as fully repatriated for the purposes of the agreement. Both sides agree, however, that any prisoner of war who at time of identification states that he wishes to return to the side by which he had been detained shall immediately be allowed to do so.

Such former prisoner of war shall thereupon go into the custody of the side to which he wishes to go, which side shall provide him with transportation from the demilitarized zone to territory under its control in Korea. Such individual, of course, shall not be detained as a prisoner of war but shall assume civilian status,

and, in accordance with paragraph 52 of the armistice agreement, shall not again be employed in acts of war in the Korean conflict.

B. Proposal Number Two:

As soon as the armistice agreement goes into effect all prisoners of war who desire repatriation will be exchanged expeditiously. All prisoners objecting to repatriation will be delivered to the demilitarized zone in small groups where, at a mutually agreeable location, they will be freed from military control of both sides and interviewed by representatives of a mutually agreed country or countries whose forces are not participating in the Korean hostilities, such persons being free to go to the side of their choice as indicated by such interview. The foregoing procedure will be accomplished, if desired, with or without military representation from each side and under the observation of one or a combination of the following:

1. International Committee of the Red Cross
2. Joint Red Cross teams
3. Joint military teams

C. Proposal Number Three:

As soon as the armistice is signed and becomes effective, all prisoners of war who desire repatriation will be exchanged expeditiously. Concurrently, if logistical capability permits, or as soon as possible thereafter, those prisoners of war who have previously expressed their objections to repatriation will be delivered in groups of appropriate size to a mutually agreed upon location in the demilitarized zone and there freed from the military control of both sides. Without questioning, interview, or screening, each individual so released will be free to go to the side of his choice. We will agree, if desired, to have this movement and disposition of non-repatriates accomplished under the observation of one or a combination of the International Committee of the Red Cross, joint teams of military observers, or Red Cross representatives from both sides.

We have now offered you the widest selection of choices the United Nations Command can offer. Each of them will produce an armistice. I urge that you give mature and careful consideration to our proposals.

For that purpose I propose a recess for 10 days, and that we meet again here at 1100 hours on 8 October.

Our staff officers will be available at any time to answer questions on any of our proposals.

61. SUSPENSION OF THE ARMISTICE NEGOTIATIONS:

Statement by the Secretary of State, October 8, 1952¹

As was made clear by General Clark's statement,² the armistice negotiations at Panmunjom are not terminated. After the Communists rejected all of the latest proposals made by the U.N. Command delegation, General Harrison³ called a recess. The duration of the recess is entirely up to the Communists. General Harrison made it clear that the U.N. Command delegation continues ready to negotiate and will again meet with the Communist delegation whenever they are ready to accept any one of our numerous proposals or make a constructive proposal of their own for an honest settlement

¹ Department of State *Bulletin*, Oct. 20, 1952, p. 600.

² Gen. Mark W. Clark, Commander-in-Chief, U.N. Command; see *ibid.*, pp. 600-601, for his statement.

³ Lt. Gen. William K. Harrison, Jr., U.S. Army, senior delegate, U.N. Command Delegation.

of the prisoner-of-war question. However, the U.N. Command delegation will not continue to go to Panmunjom merely to be subjected to Communist abuse and propaganda harangues.

For many months we have been attempting to negotiate an honorable armistice with patience and sincerity. The three alternative proposals which General Harrison presented on September 28¹ represented a further earnest effort by the United Nations to find an acceptable solution to the prisoner-of-war question. All three of those proposals preserve the humanitarian principles of nonforcible repatriation. Any one of these proposals could lead to an armistice.

The Communists have claimed that the U.N. Command has forced prisoners to say they would resist repatriation, although, in fact, the opposite was the case. The U.N. Command pointed out to each prisoner the possibilities that his family might be persecuted if he refused repatriation and that the U.N. Command could make no promise whatever as to the ultimate fate of those who refused to go home. General Harrison's proposals even included the device that the prisoners should be taken in small groups to a neutral area and there be released to walk north or south. Certainly, nothing could be more fair or reasonable. If the Communists want to settle this issue, our latest proposals point the way.

We have submitted numerous proposals throughout the negotiations and have thoroughly explored every possible solution, while the Communist negotiators have utilized the negotiating table as a sounding board for false and vicious propaganda. We have tried everything we can think of to meet the considerations raised by the Communists.

We have said and will continue to say that we shall not compromise on the principle that a prisoner should not be forced to return against his will. For us to weaken in our resolve would constitute an abandonment of the principles fundamental to this country and the United Nations. We shall not trade in the lives of men. We shall not forcibly deliver human beings into Communist hands.

General Harrison's action last night does not represent a loss of hope in an armistice; we believe that it is an affirmative step toward obtaining an armistice. The Communists must now recognize that the position of the U.N. Command is firm as well as right. The Communists must now recognize that they cannot continue to toy with the hopes of the world for a Korean peace. We continue to believe that a humanitarian solution to the prisoner-of-war question can be found, and that this can be done at Panmunjom.

As General Clark said this morning, we remain ready at any time to conclude an armistice acceptable to the conscience of free peoples. It is up to the Communists to show whether they too want such an armistice.

¹ *Supra.*

62. PROPOSALS FOR A SOLUTION OF THE PRISONER OF WAR PROBLEM: Resolution 610 (VII) of the United Nations General Assembly, December 3, 1952¹

The General Assembly,

Having received the special report of the United Nations Command of 18 October 1952 on "the present status of the military action and the armistice negotiations in Korea"² and other relevant reports relating to Korea,

Noting with approval the considerable progress towards an armistice made by negotiation at Panmunjom and the tentative agreements to end the fighting in Korea and to reach a settlement of the Korean question,

Noting further that disagreement between the parties on one remaining issue, alone, prevents the conclusion of an armistice and that a considerable measure of agreement already exists on the principles on which this remaining issue can be resolved,

Mindful of the continuing and vast loss of life, devastation and suffering resulting from and accompanying the continuance of the fighting,

Deeply conscious of the need to bring hostilities to a speedy end and of the need for a peaceful settlement of the Korean question,

Anxious to expedite and facilitate the convening of the political conference as provided in article [paragraph] 60 of the draft armistice agreement,³

1. *Affirms* that the release and repatriation of prisoners of war shall be effected in accordance with the Geneva Convention relative to the Treatment of Prisoners of War, dated 12 August 1949, the well-established principles and practice of international law and the relevant provisions of the draft armistice agreement;

2. *Affirms* that force shall not be used against prisoners of war to prevent or effect their return to their homelands, and that they shall at all time be treated humanely in accordance with the specific provisions of the Geneva Convention and with the general spirit of the Convention;

3. *Accordingly requests* the President of the General Assembly to communicate the following proposals to the Central People's Government of the People's Republic of China and to the North Korean authorities as forming a just and reasonable basis for an agreement so that an immediate cease-fire would result and be effected; to invite their acceptance of these proposals⁴ and to make a report to the

¹ U.N. General Assembly, *Official Records, Seventh Session, Supplement No. 20* A/2361), pp. 3-4.

² U.N. doc. A/2228, Oct. 18, 1952.

³ *Ibid.*, annex A.

⁴ On Dec. 17, 1952, the North Korean Minister of Foreign Affairs sent a telegram to the President of the U.N. General Assembly acknowledging receipt of the above resolution and rejecting its provisions; Department of State *Bulletin*, Mar. 16, 1953, pp. 422-423.

General Assembly during its present session and as soon as appropriate:

PROPOSALS

I. In order to facilitate the return to their homelands of all prisoners of war, there shall be established a Repatriation Commission consisting of representatives of Czechoslovakia, Poland, Sweden and Switzerland, that is, the four States agreed to for the constitution of the Neutral Nations Supervisory Commission and referred to in paragraph 37 of the draft armistice agreement, or constituted, alternatively, of representatives of four States not participating in hostilities, two nominated by each side, but excluding representatives of States that are permanent members of the Security Council.

II. The release and repatriation of prisoners of war shall be effected in accordance with the Geneva Convention relative to the Treatment of Prisoners of War, dated 12 August 1949, the well-established principles and practice of International Law and the relevant provisions of the draft armistice agreement.

III. Force shall not be used against the prisoners of war to prevent or effect their return to their homelands and no violence to their persons or affront to their dignity or self-respect shall be permitted in any manner or for any purpose whatsoever. This duty is enjoined on and entrusted to the Repatriation Commission and each of its members. Prisoners of war shall at all times be treated humanely in accordance with the specific provisions of the Geneva Convention and with the general spirit of that Convention.

IV. All prisoners of war shall be released to the Repatriation Commission from military control and from the custody of the detaining side in agreed numbers and at agreed exchange points in agreed demilitarized zones.

V. Classification of prisoners of war according to nationality and domicile as proposed in the letter of 16 October 1952 from General Kim Il Sung, Supreme Commander of the Korean People's Army, and General Peng Teh-huai, Commander of the Chinese People's Volunteers, to General Mark W. Clark, Commander-in-Chief, United Nations Command¹ shall then be carried out immediately.

VI. After classification, prisoners of war shall be free to return to their homelands forthwith, and their speedy return shall be facilitated by all parties concerned.

VII. In accordance with arrangements prescribed for the purpose by the Repatriation Commission, each party to the conflict shall have freedom and facilities to explain to the prisoners of war "depending upon them" their rights and to inform the prisoners of war on any matter relating to their return to their homelands and particularly their full freedom to return.

VIII. Red Cross teams of both sides shall assist the Repatriation Commission in its work and shall have access, in accordance with the terms of the draft armistice agreement, to prisoners of war while they

¹ U.N. doc. A/2230, Oct. 16, 1952, enclosure 3.

are under the temporary jurisdiction of the Repatriation Commission.

IX. Prisoners of war shall have freedom and facilities to make representations and communications to the Repatriation Commission and to bodies and agencies working under the Repatriation Commission, and to inform any or all such bodies of their desires on any matter concerning themselves, in accordance with arrangements made for the purpose by the Commission.

X. Notwithstanding the provisions of paragraph III above, nothing in this Repatriation Agreement shall be construed as derogating from the authority of the Repatriation Commission (or its authorized representatives) to exercise its legitimate functions and responsibilities for the control of the prisoners under its temporary jurisdiction.

XI. The terms of this Repatriation Agreement and the arrangements arising therefrom shall be made known to all prisoners of war.

XII. The Repatriation Commission is entitled to call upon parties to the conflict, its own member governments, or the Member States of the United Nations for such legitimate assistance as it may require in the carrying out of its duties and tasks and in accordance with the decisions of the Commission in this respect.

XIII. When the two sides have made an agreement for repatriation based on these proposals, the interpretation of that agreement shall rest with the Repatriation Commission. In the event of disagreement in the Commission, majority decisions shall prevail. When no majority decision is possible, an umpire agreed upon in accordance with the succeeding paragraph and with article 132 of the Geneva Convention of 1949 shall have the deciding vote.

XIV. The Repatriation Commission shall at its first meeting and prior to an armistice proceed to agree upon and appoint the umpire who shall at all times be available to the Commission and shall act as its Chairman unless otherwise agreed. If agreement on the appointment of the umpire cannot be reached by the Commission within the period of three weeks after the date of the first meeting this matter should be referred to the General Assembly.

XV. The Repatriation Commission shall also arrange after the armistice for officials to function as umpires with inspecting teams or other bodies to which functions are delegated or assigned by the Commission or under the provisions of the draft armistice agreement, so that the completion of the return of prisoners of war to their homelands shall be expedited.

XVI. When the Repatriation Agreement is acceded to by the parties concerned and when an umpire has been appointed under paragraph 14 above, the draft armistice agreement, unless otherwise altered by agreement between the parties, shall be deemed to have been accepted by them. The provisions of the draft armistice agreement shall apply except in so far as they are modified by the Repatriation Agreement. Arrangements for repatriation under this agreement will begin when the armistice agreement is thus concluded.

XVII. At the end of ninety days, after the Armistice Agreement has been signed, the disposition of any prisoners of war whose return

to their homelands may not have been effected in accordance with the procedure set out in these proposals or as otherwise agreed, shall be referred with recommendations for their disposition, including a target date for the termination of their detention to the political conference to be called as provided under article [paragraph] 60 of the draft armistice agreement. If at the end of a further thirty days there are any prisoners of war whose return to their homelands has not been effected under the above procedures or whose future has not been provided for by the political conference, the responsibility for their care and maintenance and for their subsequent disposition shall be transferred to the United Nations, which in all matters relating to them shall act strictly in accordance with international law.

63. PROPOSAL FOR THE EXCHANGE OF SICK AND WOUNDED PRISONERS OF WAR: Letter From the Commander-in-Chief, United Nations Command,¹ to the Commanders-in-Chief of the North Korean and Chinese Communist Forces,² February 22, 1953³

To Kim Il Sung, Supreme Commander of the Korean People's Army, and Peng Teh-Huai, Commander of the Chinese People's Volunteers:

The Executive Committee of the League of Red Cross Societies, in a resolution adopted in Geneva, Switzerland, on 13 December 1952 called on both sides in the Korean conflict as a gesture of good will to take immediate action in implementing the humanitarian provisions of the Geneva Convention by repatriating sick and wounded prisoners of war in accordance with appropriate articles of the Geneva Convention.

As has been repeatedly stated to you in the course of negotiations at Panmunjom the United Nations Command has from the very beginning adhered scrupulously to the humanitarian provisions of the Geneva Convention and in particular has been prepared to carry out the provisions of the Geneva Convention in regard to the sick and wounded prisoners in its custody. The United Nations Command remains ready immediately to repatriate those seriously sick and seriously wounded captured personnel who are fit to travel in accordance with provisions of Article 109 of the Geneva Convention.⁴

I wish to be informed whether you are prepared for your part to proceed immediately with the repatriation of seriously sick and wounded captured personnel of the United Nations Command who are in your hands. The United Nations Command liaison officers will be prepared to meet your liaison officers to make necessary arrangements for impartial verification of the conditions and for the

¹ Gen. Mark W. Clark.

² Marshal Kim Il Sung and General Peng Teh-huai.

³ Department of State *Bulletin*, Apr. 6, 1953, p. 494.

⁴ *Geneva Conventions*, p. 126.

mutual exchange of such seriously sick and wounded in accordance with the provisions of Article 109 of the Geneva Convention.¹

64. REQUEST FOR COMMUNIST COMMAND STATEMENT ON REPATRIATION OF PRISONERS OF WAR: Letter From the Commander-in-Chief, United Nations Command, to the Commanders-in-Chief of the North Korean and Chinese Communist Forces, April 5, 1953 (Excerpt)²

At as early a date as possible, I request that your liaison group furnish our liaison group with a detailed statement of suggestions on the implementation of the proposal for settling the entire question of repatriating prisoners of war as set forth in the statement of Foreign Minister Chou En-lai,³ and endorsed by Marshal Kim Ki [II] Sung, in order that it may be studied while reasonable settlement of the repatriation of sick and wounded is being effected.

65. REPATRIATION OF SICK AND INJURED CAPTURED PERSONNEL: Agreement Between the United Nations Command and the North Korean and Chinese Communist Commands, April 11, 1953⁴

AGREEMENT FOR THE REPATRIATION OF SICK AND INJURED CAPTURED PERSONNEL

The Senior Member of the United Nations Command Liaison Group and the Senior Member of the Korean People's Army and the Chinese People's Volunteers Liaison Group, in order to effect the repatriation of sick and injured captured personnel in accordance with the provisions of Article 109 of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War,⁵ agree to the following:

1. Repatriation shall be accomplished at Panmunjom.
2. Repatriation shall commence at Panmunjom not later than ten (10) days after the signing of this agreement.

¹ For further communications and discussions on this subject, in the course of which agreement in principle was reached, see Department of State *Bulletin*, Apr. 6, 1953, pp. 494-495; *ibid.*, Apr. 13, 1953, pp. 526-529; *ibid.*, Apr. 20, 1953, pp. 570-576.

² *Ibid.*, Apr. 20, 1953, p. 574; see also General Nam Il's reply of Apr. 9, 1953 (*ibid.*, pp. 575-576), and General Harrison's letter of Apr. 17, 1953, to General Nam Il (*ibid.*, Apr. 27, 1953, p. 608).

³ Statement of Mar. 30, 1953. Not printed.

⁴ Sixty-seventh report of the U.N. Command to the Security Council; U.N. doc. S/3084 (Aug. 21, 1953), pp. 4-7.

⁵ *Geneva Conventions*, p. 126.

3. a. The Korean Peoples Army and the Chinese People's Volunteers shall deliver sick and injured captured personnel at the rate of approximately one hundred (100) per day until delivery of all sick and injured captured personnel to be repatriated by the Korean People's Army and the Chinese People's Volunteers is completed. The number of persons actually delivered each day shall be contingent upon the ability of the United Nations Command to receive them, but delivery shall in any case be completed prior to the termination date of this agreement.

3. b. The United Nations Command shall deliver sick and injured captured personnel at the rate of approximately five hundred (500) per day until delivery of all sick and injured captured personnel to be repatriated by the United Nations Command is completed. The number of persons actually delivered each day shall be contingent upon the ability of the Korean People's Army and the Chinese People's Volunteers to receive them, but delivery shall in any case be completed prior to the termination date of this agreement.

4. The United Nations Command shall deliver sick and injured captured personnel in groups of approximately twenty-five (25); the Korean People's Army and the Chinese People's Volunteers shall deliver sick and injured captured personnel in groups of approximately twenty-five (25). Each group shall be accompanied by rosters, prepared by nationality, to include:

- a. Name.
- b. Rank.
- c. Internment or military serial number.

5. After each group of sick and injured captured personnel is delivered and received, a representative of the receiving side shall sign the roster of the captured personnel delivered as a receipt and shall return this to the delivering side.

6. In order to insure that the sick and injured captured personnel of both sides are given maximum protection during the full period of repatriation, both sides agree to guarantee immunity from all attacks to all rail and motor movements carrying sick and injured captured personnel to Kaesong and Muusan-ni, respectively, and thence through presently established immunity routes to Panmunjom, subject to the following conditions:

a. Movement of motor convoys to Kaesong and Munsan-ni, respectively shall be restricted to daylight hours, and each convoy shall consist of not less than five (5) vehicles in close formation; except that north of Panmunjom, because of actual conditions, the latter provision shall apply only to the route from Pyongyang to Kaesong.

b. Each car in rail movements and each vehicle in motor convoys shall display clearly visible identification markings.

c. Each side, prior to the initial movement, shall provide the Liaison Group of the other side with a detailed description of the markings utilized to identify motor convoys and rail movements. This shall include color, size and manner in which the markings will be displayed.

d. Each side, prior to the initial movement, shall provide the Liaison Group of the other side with the sites and markings of the bivouac areas and night stop-over locations for motor convoys.

e. Each side shall inform the Liaison Group of the other side, twenty-four (24) hours in advance of each movement, of the selected route, number of cars in rail movement or number of vehicles in motor movement, and the estimated time of arrival at Kaesong or Muksan-ni.

f. Each side shall notify the Liaison Group of the other side, by the most expeditious means of communications available, of the location of emergency stop-overs.

7. During the period while sick and injured captured personnel are being repatriated through the Panmunjom conference site area, the October 22, 1951 Agreement Between Liaison Officers,¹ with the exception of the part therein provided for in Paragraph 8 of this Agreement, shall continue in effect. Liaison Groups of both sides and their parties shall have free access to, and free movement within, the Panmunjom conference site area. The composition of each Liaison Group and its party shall be as determined by the Senior Member thereof; however, in order to avoid congestion in the conference site area, the number of personnel of each side in the area, including captured personnel under its control, shall not exceed three hundred (300) persons at any one time. Each side shall transfer repatriated personnel out of the Panmunjom conference site area as expeditiously as possible.

8. During the period while sick and injured captured personnel are being repatriated through the Panmunjom conference site area, the armed military police of each side, who undertake to maintain order within the conference site area, shall be increased from the maximum number of fifteen (15), as provided for in the October 22, 1951 Agreement Between Liaison Officers, to thirty (30).

9. Other administrative details shall be mutually arranged by officers designated by the Senior Member of the Liaison Group of each side.

10. This agreement is effective when signed and will terminate twenty (20) days after the commencement of repatriation of sick and injured captured personnel at Panmunjom.

¹ For the full text of the agreement, see U.N. Command Rept. 32 (U.N. doc. S/2469, Jan. 5, 1952), in Department of State *Bulletin*, Feb. 18, 1952, pp. 270-272.

Done at Panmunjom, Korea, this 11th day of April 1953, in the English, Korean and Chinese languages, all texts being equally authentic.

LEE SANG CHO

Major General

Korean People's Army

Senior Member

Korean People's Army and Chinese

People's Volunteers Liaison Group

J. C. DANIEL

Rear Admiral

United States Navy

Senior Member

United Nations Command

Liaison Group¹

66. ESCAPE OF NORTH KOREAN NON-REPATRIATE PRISONERS OF WAR: Letter From the Senior Delegate of the United Nations Command at the Armistice Discussions to the Senior Delegate of the Communist Command, June 18, 1953²

Gen. NAM IL,

Senior Delegate, Delegation of the Korean People's Army, and the Chinese People's Volunteers:

Between midnight and dawn today, approximately 25,000 North Korean prisoners of war, who have refused to be repatriated following an armistice, broke out of United Nations Command prisoner of war camps Nos. 5, 6, 7 and 9.

Statements attributed to high officials of the Republic of Korea indicate that the action had been secretly planned and carefully coordinated at top levels in the Korean Government and that outside assistance was furnished the prisoners of war in their mass breakout. Republic of Korea Army security units assigned as guards at the prisoner of war camps did little to prevent the breakout, and there is every evidence of actual collusion between the Republic of Korea Army guards and the prisoners.

The Republic of Korea Army security guard units used at the camps containing anti-Communist prisoners of war had been considered especially suitable in view of the previous cooperative attitude of these prisoners while in custody.

These Republic of Korea Army security guard units which have left their posts at nonrepatriate camps are being replaced by United States troops.

Efforts are being made to recover the prisoners now at liberty and

¹ Concerning approval by the U.N. General Assembly on Apr. 18, 1953, of the above agreement, and the General Assembly's decision to recess its Seventh Session upon completion of extant agenda items, subject to reconvening to consider the Korean question either on the signing of an armistice agreement or in case of other developments in Korea, see U.N. General Assembly, *Official Records, Seventh Session, Supplement No. 20A* (A/2361/Add. 1), pp. 3-4.

² Department of State *Bulletin*, June 29, 1953, pp. 905-906.

67. ESCAPE OF NORTH KOREAN NON-REPATRIATE PRISONERS OF WAR: Letter From the Commander-in-Chief, United Nations Command, to the President of the Republic of Korea, June 20, 1953²

DEAR MR. PRESIDENT: In the summer of 1950, when the United States and other nations responded to your appeal to the United Nations to repel the armed attack upon the Republic of Korea by forces from North Korea, the United Nations received from you a message assigning command authority over all land, sea and air forces of the Republic of Korea to the commander, United Nations Command, for the duration of hostilities.³

The United Nations Command did not seek, and indeed, did not consider necessary any further or more formal commitments from your Government regarding the participation of Republic of Korea armed forces in the United Nations Command. I therefore have considered and do now consider that I have full command authority over all land, sea and air forces of the Republic of Korea. Nothing in our long association during our mutual prosecution of our common cause has prepared me to believe that I should consider otherwise.

This notwithstanding, and in clear violation of my authority, certain officers and men of the Republic of Korea Army willfully permitted the escape of many thousands of lawfully detained prisoners of war from various prisoner of war installations during the early morning hours of 18 June 1953, such officers and men having been officially enjoined with responsibility for the security of said installations and for the detention of said prisoners. Further, I have received information through the public press that this action was initiated on your orders and issued through an official who is not within the forces under my command.

I must inform you with all the sincerity which I possess that I am profoundly shocked by this unilateral abrogation of your personal commitment, which was so freely and voluntarily given at the time.

¹ For the texts of the reply of the Communist commanders of June 19, 1953, charging the U.N. Command with the responsibility for release of the prisoners, and of other pertinent statements made after this outbreak, see *ibid.*, pp. 905-908.

² *Ibid.*, June 29, 1953, p. 907. For other documents on the release of the prisoners by officers and men of the ROK Army, including a statement of June 18, 1953, by the Secretary of State, see *ibid.*, pp. 905-908. For a message from Lester B. Pearson, President of the U.N. General Assembly, to President Rhee concerning the release of the prisoners, see *ibid.*, July 6, 1953, pp. 14-15.

³ For the text of President Rhee's letter of July 15, 1950, see *ibid.*, Aug. 7, 1950, p. 206.

As a matter of fact on several occasions in recent weeks you have personally assured both Ambassador Briggs¹ and me that you would not take unilateral action with reference to R. O. K. forces under my control until after full and frank discussion with me.

Your actions today have clearly abrogated these assurances.

I cannot at this time estimate the ultimate consequences of this precipitous and shocking action on your part, nor can its effect on the common cause for which we have sacrificed so much during these past several years be forecast at this time.

Sincerely,

MARK W. CLARK,
General, U.S. Army

68. ESCAPE OF NORTH KOREAN NON-REPATRIATE PRISONERS OF WAR: Letter From the Commander-in-Chief, United Nations Command, to the Commanders-in-Chief of the North Korean and Chinese Communist Forces,² June 29, 1953³

The United Nations Command agrees, of course, that the escape of about 25,000 captured personnel of the Korean People's Army is a serious incident and unfortunately has not been conducive to the early armistice for which both sides have been earnestly striving. The United Nations Command, by means of General Harrison's letter of 18 June 1953, immediately informed you of the facts regarding the loss of these prisoners.⁴

We felt that you deserved to have this information at the earliest possible time. However, in your letter of 19 June⁵ I note that for one reason or another you fail to accept the realities of the situation which we accurately reported to you, and you have made several inaccurate statements of fact. In an earnest endeavor to achieve an early armistice, I shall further clarify these facts.

Despite our voluntary and accurate presentation of these facts you still seem to consider that the "escape" of the prisoners and their "release" by order of the Republic of Korea Government are contradictory terms. The fact is, as you are well aware by this time, that the prisoners "escaped" by breaking through the prison fences and barricades and, except for those who were captured, disappeared into the civil population. They were "released" in that the Republic of Korea Government, without the knowledge of, and contrary to the intent of, the United Nations Command, planned and arranged the breakout, and the Republic of Korea Army security guards made little real effort to prevent the escape.

¹ Ellis O. Briggs, American Ambassador to the Republic of Korea.

² Marshal Kim Il Sung and General Peng Teh-huai.

³ Department of State *Bulletin*, July 13, 1953, pp. 46-47. For the text of the Communist commanders' reply to the June 29 letter, see *ibid.*, July 20, 1953, pp. 73-74.

⁴ *Supra*, doc. 66.

⁵ For the text of the Communist commanders' letter to General Clark of June 19, 1953, see Department of State *Bulletin*, June 29, 1953, pp. 906-907.

In replying to the questions which you asked in your letter, I believe that you realize the armistice which both of us seek is a military armistice between the military commanders of both sides. The United Nations Command is a military command and, contrary to the opinion indicated in your letter of 19 June, does not exercise authority over the Republic of Korea, which is an independent sovereign state whose government is the product of the self-determination of its millions of people. The Republic of Korea Army was placed by its Government under the control of the United Nations Command in order to more effectively repel the armed aggression against the Republic of Korea. I believe it should be clear to you that the United Nations Command, as the result of a commitment made by the Republic of Korea, does not command the Republic of Korea Army. In this incident that Government violated its commitment, issuing orders which were unknown to me, through other than recognized military channels to certain Korean Army units, which permitted the prisoners of war to escape.

You also asked whether the armistice in Korea included the Republic of Korea as represented by President Syngman Rhee; another question, which is closely related, expressed your interest in knowing what assurances there may be for the implementation of the armistice agreement on the part of South Korea. It is necessary here to reiterate that the armistice which we seek is a military armistice between the commanders of both sides and involving the forces available to the commanders of both sides.

It is recognized that certain provisions of the armistice agreement require the cooperation of the authorities of the Republic of Korea. You are assured that the United Nations Command and the interested governments concerned will make every effort to obtain the cooperation of the Government of the Republic of Korea. Where necessary the United Nations Command will, to the limits of its ability, establish military safeguards to insure that the armistice terms are observed.

Our willingness to do this should be apparent to you by the concurrence which we have given to those portions of the terms of reference which require the United Nations Command to take certain action to insure the safety and security of the neutral nations reparations commission and its personnel.

It is regrettable that you choose to allege that the United Nations Command connived in the escape of the prisoners. Besides being contrary to the obvious facts, such accusation tends to obstruct rather than to facilitate an armistice agreement. The United Nations Command is continuing its efforts to recover the prisoners of war who have escaped. It would be unrealistic, however, and misleading to imply that an appreciable number of these prisoners could be recovered now that they have disappeared among the population, which is disposed to shelter and protect them. You undoubtedly realize that the recovery of all these prisoners would be as impossible for us as it would be for your side to recover the 50,000 South Korean prisoners "released" by your side during the course of hostilities. You, of course, understand that the cessation of hostilities will facilitate the return of the escaped Korean prisoners of war to your side if they are not opposed

to such return. Under the provisions of Paragraph 59 of the draft armistice agreement, the escaped prisoners of war can proceed to your side if they so desire after the armistice becomes effective.

Following the signing of an armistice, the exchange of those prisoners of war who desire repatriation will involve the 12,000 of our personnel reported by you in April 1952, plus the additional ones captured since that date and now in your hands, as compared with about 74,000 of your personnel, including approximately 69,000 Koreans, now in our hands, whom we are prepared to return to you.

This letter is an earnest effort by the United Nations Command to acquaint you with the facts. It is suggested that the delegations meet immediately to exchange information as to the time at which respective components of the neutral nations supervisory commission can be prepared to function in order that an effective date for the armistice may be established and, on receipt of that information, the armistice agreement as has been developed by our respective delegations be signed.

[KOREAN ARMISTICE AGREEMENT, JULY 27, 1953] ¹

69. SIXTEEN-NATION DECLARATION ON KOREA ISSUED AT WASHINGTON, JULY 27, 1953 ²

"We the United Nations Members whose military forces are participating in the Korean action support the decision of the Commander-in-Chief of the United Nations Command to conclude an armistice agreement. We hereby affirm our determination fully and faithfully to carry out the terms of that armistice. We expect that the other parties to the agreement will likewise scrupulously observe its terms.

"The task ahead is not an easy one. We will support the efforts of the United Nations to bring about an equitable settlement in Korea based on the principles which have long been established by the United Nations, and which call for a united, independent and democratic Korea. We will support the United Nations in its efforts to assist the people of Korea in repairing the ravages of war.

"We declare again our faith in the principles and purposes of the United Nations, our consciousness of our continuing responsibilities in Korea, and our determination in good faith to seek a settlement of the Korean problem. We affirm, in the interests of world peace, that if there is a renewal of the armed attack, challenging again the principles of the United Nations, we should again be united and prompt to resist. The consequences of such a breach of the armistice would be so grave that, in all probability, it would not be possible to confine hostilities within the frontiers of Korea.

"Finally, we are of the opinion that the armistice must not result in jeopardizing the restoration or the safeguarding of peace in any other part of Asia."

¹ *Supra*, pp. 724-750.

² Department of State *Bulletin*, Aug. 24, 1953, p. 247.

0. TRIBUTE TO UNITED NATIONS FORCES IN KOREA:
Resolution 712 (VII) of the United Nations General Assembly,
August 28, 1953¹

The General Assembly

Recalling the resolutions of the Security Council of 25 June, 27 June and 7 July 1950 and the resolutions of the General Assembly of October 1950, 1 December 1950, 1 February 1951, 18 May 1951 and December 1952,²

Having received the report of the Unified Command dated 7 August 1953,³

Noting with profound satisfaction that fighting has now ceased in Korea on the basis of an honourable armistice,

1. *Salutes* the heroic soldiers of the Republic of Korea and of all those countries which sent armed forces to its assistance;
2. *Pays tribute* to all those who died in resisting aggression and thus in upholding the cause of freedom and peace;
3. *Expresses its satisfaction* that the first efforts pursuant to the call of the United Nations to repel armed aggression by collective military measures have been successful, and expresses its firm conviction that this proof of the effectiveness of collective security under the United Nations Charter will contribute to the maintenance of international peace and security.

**F. INCIDENTS INVOLVING UNITED NATIONS
 COMMAND AND SOVIET AIRCRAFT IN THE
 KOREAN CONFLICT, 1950-1953**

1. SHOOTING DOWN OF SOVIET BOMBER: Message Delivered by the Deputy United States Representative at the United Nations⁴ to the U.N. Secretary-General, September 5, 1950⁵

On September 4, 1950, United Nations naval forces were operating off the west coast of Korea at approximately the 38th parallel on missions in pursuance of the resolution of the Security Council of June 27, 1950.⁶

At 13:29 o'clock, Korean time, a twin-engine bomber identified only by bearing a Red Star passed over a screening ship and continued

¹ U.N. General Assembly, *Official Records, Seventh Session, Supplement No. 2 B* (A/2361/Add. 2), p. 2.

² *Supra*, docs. 8, 10, 14, 23, 42, 44, and 62.

³ *Supra*, doc. 48.

⁴ Ernest A. Gross.

⁵ Department of State *Bulletin*, Sept. 18, 1950, p. 454

⁶ *Supra*, doc. 10.

toward the center of the United Nations formation in a hostile manner. The bomber opened fire upon a United Nations fighter patrol which returned its fire and shot it down.

A United Nations destroyer succeeded in picking up the body of one member of the bomber crew. Identification papers indicated that the body was that of Lt. Mishin Tennadii Vasilebiu, of the armed forces of the U.S.S.R., Serial No. 25054.

72. UNITED STATES REFUSAL TO ACCEPT SOVIET NOTE CONCERNING BOMBER: Statement by the American Ambassador at Moscow, September 6, 1950¹

The American Ambassador at Moscow, Admiral Alan G. Kirk, was called today to the Soviet Ministry of Foreign Affairs by Foreign Minister Vyshinsky, who read to him a note on the subject of the airplane incident which took place off Korea on September 4 and which was reported to the Security Council by the deputy representative of the United States, Ernest A. Gross, the following day.²

Admiral Kirk made the following statement in reply to Mr. Vyshinsky:

The information at my disposal indicates that the question to which you refer pertains to defensive action by United Nations Forces operating in the Korean area in accordance with resolutions of the United Nations Security Council and that it has, in fact, been brought to the attention of the Security Council for appropriate consideration. I am therefore not in a position to accept on behalf of the United States Government the communication of the Soviet Government on this subject. It would appear to be appropriate for any representations on this question to be presented to the United Nations Security Council.

Admiral Kirk did not accept the note for delivery to this Government.

73. SOVIET ATTACK AGAINST UNITED NATIONS AIRCRAFT: Communication Delivered by the United States Representative at the United Nations³ to the U.N. Secretary-General, November 24, 1951⁴

The United States representative to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honor to report the following from the Unified Command under the United States for submission to the Security Council:

A United Nations plane, a two-motored P2V bomber operating under General Ridgway's command in connection with the U.N. operations in Korea failed to return from a weather reconnaissance

¹ Department of State *Bulletin*, Sept. 18, 1950, p. 454.

² *Supra*.

³ Warren R. Austin.

⁴ Department of State *Bulletin*, Dec. 3, 1951, p. 909.

over the Sea of Japan on November 6, 1951. An intensive search for survivors proved fruitless.

From the last reported position of this plane at 0850 (—9 time zone) on November 6, it is undoubtedly this plane that was the subject of a Soviet statement to the U.S. Chargé d'Affaires in Moscow on November 7¹ admitting that two Soviet fighter planes fired on a two-engine bomber at 1010 November 6 in the vicinity of Cape Ostrovnya.

The route this plane was following did not approach closer than 40 miles to U.S.S.R. territory, and the plane crew had been thoroughly briefed not to approach closer than 20 miles to U.S.S.R. territory under any circumstances.

It can only be concluded that an intentional or unplanned approach to the Russian coast was not made, and the plane was intercepted and attacked without warning while over international waters, and furthermore, while well outside of 20 miles from the Russian coastline.

74. SHOOTING DOWN OF SOVIET IL-12 BY UNITED NATIONS AIRCRAFT: Statement by the Department of State, August 1, 1953²

According to confirmed information received from United States military authorities, an aircraft of the IL-12 type was attacked and shot down by a United States Army Air Force fighter plane on a combat mission for the United Nations' Command over Korean territory at 12:25 p. m., local time, on July 27, 1953. The location of the United States plane at the time of the attack was 41 degrees 38 minutes north latitude and 126 degrees 55 minutes east longitude. This position is inside Korean territory approximately eight miles from the Yalu River.

The United States Government assumes that the foregoing incident is the one which is the subject of the Ministry's Note of July 31³ in which the Soviet Government falsely alleges that the attack took place over Chinese territory. Since facts available to United States military authorities and to the United Nations' Command have clearly established that the attack was carried out over Korean territory prior to the termination of hostilities there, the Embassy has been instructed to reject the Ministry's Note as being without foundation in fact.

The United States Government can only deplore the loss of life incurred in this incident. In view of the fact, however, that the incident occurred in the Korean Zone of hostilities, the responsibility therefore must rest with those Soviet authorities who flew the Soviet aircraft through Korean territory.

¹ See *ibid.*

² *Ibid.*, Aug. 10, 1953, p. 179. For a reply to this note by the Soviet Foreign Ministry handed to Ambassador Bohlen on August 11, see *ibid.*, Aug. 24, 1953, p. 237. For the U.S. reply of Jan. 26, 1954, to the Soviet note, see *ibid.*, Mar. 15, 1954, pp. 410-413.

³ *Ibid.*, Aug. 10, 1953, p. 179.

F. THE COMMUNIST "GERM WARFARE" CAMPAIGN, 1951-1953

75. REFUTATION OF COMMUNIST CHARGES OF GERM WARFARE: Statement by the Secretary of State, May 7, 1951¹

I have just been reading the alleged "confessions" of two American fliers who were shot down in Communist-held North Korea in January. I should like to talk about these so-called "confessions" for a minute because they are so revealing, though not in the sense that Communist propagandists intended.

A reading of these statements makes one fact crystal clear: while they may have been signed under duress by the American fliers, they were dictated by Communist propagandists. They contain all the Communist clichés so alien to American youths. We have no way of knowing, of course, whether the fliers signed the statements at all.

Both statements have picked up the standard Communist picture of the world as divided into two hostile "camps"—the so-called "peace-loving camp" of Communists and the "imperialistic" and "warmongering" camp of Wall Street.

For example, Lt. Kenneth Enoch is alleged to have stated: "I have seen the truth as printed by the democratic Chinese press, and all these truths and kind treatment show all the more clearly the lies and untruthful war propaganda of the Wall Street radio and press . . . I am beginning to see very clearly just who is the peace-lover and who is the warmonger responsible for this inhuman war, and I am determined to struggle for peace against Wall Street capitalism, to clear my conscience of past errors. I am filled with determination to join the peace-loving camp."

I submit that there are no two men in the whole U. S. Air Force who would of their own volition express themselves in such terms.

These statements are, of course, merely additional trumped-up "evidence" to support the utterly false Communist charges that we have waged bacteriological warfare in Korea. They are another example of the incredible lengths to which they will go to propagate the "big lie."

These charges have been flatly denied by American authorities, by the Secretary-General of the United Nations, and by authorities of other nations having forces in Korea. Moreover, the Communists, knowing their charges would not stand up under the scrutiny of competent, independent investigators, have refused the offer of the International Committee of the Red Cross to conduct an impartial investigation on both sides of the battleline in Korea. They have rejected an offer of the U. N.'s World Health Organization to provide technical assistance in Communist-held areas where we were accused of having caused epidemics.

¹ Department of State *Bulletin*, May 19, 1952, p. 777.

Although not permitted to make an on-the-spot investigation, competent scientists in many parts of the world have examined the "evidence" submitted by the Communists and, as a result, have pronounced the charges an obvious and clumsy hoax.

All of this is generally understood, at least in parts of the world where people have access to facts. These Communist propaganda themes are part of the "hate America" line which is now being supplemented with a "hate Americans" line.

Sowing the seeds of hate among people may in the Communist view produce some short-range benefits, but I am convinced that as their cynicism is increasingly revealed, they will find that they were in fact sowing the wind.

76. REQUEST FOR INVESTIGATION OF GERM WARFARE CHARGES BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC): Telegram From the Secretary of State to the President of the ICRC,¹ March 11, 1952²

Despite categorical denials by the United States Government and the United Nations Command, Communists continue to charge that biological warfare by the United Nations Command has caused an epidemic in Communist-held areas of Korea.

I repeat that the United Nations Command has not engaged in any form of biological warfare.

In the interest of having the facts clearly established by a disinterested international body, the United States Government as the Unified Command would like to suggest that the International Committee of the Red Cross make arrangements to conduct an investigation to determine (1) the nature and extent of this epidemic and (2) the real cause of the epidemic.

To establish the facts beyond all doubt, such an investigation would have to be conducted on both sides of the battle line in Korea. Investigation in the Communist-held areas would reveal the nature and extent of this epidemic plus evidence of the real cause of the epidemic. Investigation behind the United Nations lines would provide additional evidence with regard to the falsity of the biological warfare charge. For example, International Committee of the Red Cross investigators would be given free access to all sources of possible information behind United Nations lines bearing upon the investigation.³

¹ Paul Ruegger.

² Department of State *Bulletin*, Mar. 24, 1952, pp. 452-453.

³ Concerning the willingness of the International Committee of the Red Cross to conduct such an investigation as stated by it on March 12, and acceptance of the ICRC proposals by the United States on Mar. 13, 1952, see *ibid.*, p. 453.

77. COMMUNIST REFUSAL TO PERMIT INVESTIGATION OF GERM WARFARE CHARGES BY THE ICRC: Statement by the Secretary of State, March 26, 1952¹

At his news conference on March 26, Secretary Acheson was asked for comment on the statement, highly publicized by the Communists, of a group of jurists who claim to have "substantiated" the waging by United Nations forces in Korea of germ warfare.

Secretary Acheson made the following extemporaneous reply:

As I understand it, this group of very eminent jurists to which you refer are a group of Communists and former Nazis who have turned Communist, who have gone from East Germany into this area. That would not seem to imply any special impartiality or disinterest in their approach to it.

We have stated often, I have stated, General Ridgway has stated that there is not the slightest truth whatever in these statements.

We have asked the International Red Cross to make an investigation.² We have offered all facilities to the Red Cross. The World Health Organization has proposed that it be used to make an investigation, also to attempt to deal with any epidemic if such an epidemic exists. We have supported that request. The Communists have never replied to either request.

It seems perfectly clear that the Communists are determined not to have any fair or impartial investigation made. They continue on the one hand to say there is no epidemic. On the other hand they say that we are engaged in these nefarious practices.

There is no truth in the statements. The fact that there is no truth is shown by the refusal of the Communists to permit any investigation by an impartial international body.

78. CALL FOR INVESTIGATION OF GERM WARFARE CHARGES BY THE ICRC: Draft Resolution of the United Nations Security Council, June 20, 1952³

The Security Council,

Noting the concerted dissemination by certain governments and authorities of grave accusations charging the use of bacteriological warfare by United Nations forces,

Noting that the Government of the Union of Soviet Socialist Republics has repeated these charges in organs of the United Nations,

Recalling that when the charges were first made the Unified Command for Korea immediately denied the charges and requested that an impartial investigation be made of them,

¹ Department of State *Bulletin*, Apr. 7, 1952, p. 529.

² *Supra*.

³ U.N. doc. S/2671, June 20, 1952. Concerning the discussion of the draft resolution in the Security Council and its defeat on July 3, 1952, as a result of a Soviet veto, see Department of State *Bulletin*, July 7, 1952, pp. 38-39.

1. *Requests* the International Committee of the Red Cross, with the aid of such scientists of international reputation and such other experts as it may select, to investigate the charges and to report the results to the Security Council as soon as possible;
 2. *Calls upon* all governments and authorities concerned to accord to the International Committee of the Red Cross full co-operation, including the right of entry to, and free movement in, such areas as the Committee may deem necessary in the performance of its task;
 3. *Requests* the Secretary-General to furnish the Committee with such assistance and facilities as it may require.
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79. INVESTIGATION OF GERM WARFARE CHARGES BY A UNITED NATIONS COMMISSION: Resolution 706 (VII) of the United Nations General Assembly, April 23, 1953¹

The General Assembly,

Noting that accusations have been made by certain governments and authorities charging the use of bacteriological warfare by United Nations Forces, and that the Unified Command has repeatedly denied such charges,

Recalling that when the charges were first made the Unified Command had requested that an impartial investigation be made of them,

Noting that the Central People's Government of the People's Republic of China and the North Korean authorities have so far refused to accept an offer by the International Committee of the Red Cross to carry out an investigation,

Noting that the draft resolution² submitted in the Security Council by the Government of the United States of America proposing an investigation of these charges by the International Committee of the Red Cross failed to carry because of the negative vote of the Union of Soviet Socialist Republics,

Desiring to serve the interests of truth,

1. *Resolves* that, after the President of the General Assembly has received an indication from all the governments and authorities concerned of their acceptance of the investigation proposed in the present resolution, a Commission, composed of Brazil, Egypt, Pakistan, Sweden and Uruguay, shall be set up and shall carry out immediately an investigation of the charges that have been made;

2. *Calls upon* the governments and authorities concerned to enable the Commission to travel freely throughout such areas of North and South Korea, the Chinese mainland and Japan as the Commission may deem necessary in the performance of its task and to allow the Com-

¹ U.N. General Assembly, *Official Records, Seventh Session, Supplement No. 20A (A/2361/Add.1)*, p. 4

² *Supra*.

mission freedom of access to such persons, places and relevant documents as it considers necessary for the fulfilment of its task and to allow it to examine any witness, including prisoners of war, under such safeguards and conditions as the Commission shall determine: all prisoners of war who are alleged to have made confessions regarding the use of bacteriological warfare shall, prior to examination by the Commission, be taken to a neutral area and remain under the responsibility and custody of the Commission until the end of the Korean hostilities;

3. *Requests* the President of the General Assembly to transmit the present resolution immediately to the governments and authorities concerned, requesting them to indicate their acceptance of the investigation proposed in the present resolution;

4. *Requests* the President of the General Assembly to report to the General Assembly at the earliest practicable date on the results of his efforts;

5. *Directs* the Commission, when set up, to enlist the aid of such scientists of international reputation, especially epidemiologists, and such other experts as it may select;

6. *Directs* the Commission, after acceptance of the investigation proposed in the present resolution by all the governments and authorities concerned, to report to the Members of the General Assembly through the Secretary-General as soon [as] possible and no later than 1 September 1953;

7. *Requests* the Secretary-General to furnish the Commission with the necessary staff and facilities.

80. COMMUNIST FAILURE TO REPLY TO OFFER OF UNITED NATIONS INVESTIGATION OF GERM WARFARE CHARGES: **Report by the President of the United Nations General Assembly, ¹ July 28, 1953 ²**

In accordance with its terms, resolution 706 (VII) of 23 April 1953 ³ on the "Question of impartial investigation of charges of use by United Nations forces of bacterial warfare" was duly communicated to the Governments of the United States of America, of the People's Democratic Republic of Korea, of the People's Republic of China, of the Republic of Korea, and of Japan, with the request that they indicate their acceptance of the investigation proposed in the resolution. The commission of investigation which was to be set up upon acceptance of the investigation by all the governments and authorities

¹ Lester B. Pearson of Canada.

² U.N. General Assembly, *Official Records, Eighth Session, Agenda Item 24, Annexes (A/2426)*, July 28, 1953, pp. 1-2.

³ *Supra*.

concerned has not been established as, to date, only the following three replies have been received:

1. The representative of the United States of America to the United Nations, in a note dated 1 May 1953, replied as follows:

"The representative of the United States of America to the United Nations presents his compliments to the Secretary-General of the United Nations and, with reference to note SCA/459/6/01 dated 24 April 1953, has the honor to inform the Secretary-General that the United States of America accepts the investigation proposed in the resolution adopted by the General Assembly under item 73 of its agenda, entitled 'Question of impartial investigation of charges of use by United Nations forces of bacterial warfare'.

"In accordance with paragraph 2 of the resolution, the United States of America, in its capacity as the Unified Command, after the Commission is set up will issue instructions to the United Nations Command to accord to the Commission for the performance of its task the various appropriate facilities within the competence of the United Nations Command. The United States of America will issue similar instructions to the Commander in Chief, United States Forces in the Far East".

2. The Minister for Foreign Affairs of the Republic of Korea, in a cablegram dated 13 May 1953, replied as follows:

"I have the honour to acknowledge receipt of your radiogram dated 27 April regarding a resolution entitled 'Question of impartial investigation of charges of use by United Nations forces of bacterial warfare', adopted by the General Assembly of the United Nations at its 428th plenary meeting on 23 April 1953.

"I also have the honour to inform you that the Government of the Republic of Korea willingly accepts the investigation proposed in the resolution and will co-operate in regard to the provisions of paragraph 2 of the resolution".

3. The Minister for Foreign Affairs of Japan, in a cablegram dated 18 May 1953, replied as follows:

"Have the honour to acknowledge the receipt of your Excellency's telegram transmitting the text of the resolution entitled 'Question of impartial investigation of charges of use by United Nations forces of bacterial warfare', with the request that the Japanese Government indicate its acceptance of the investigation proposed in the resolution. To co-operate with the United Nations, the Japanese Government is prepared to render every practicable assistance to the Commission contemplated in the said resolution in its free travel throughout such areas of Japan as it may deem necessary in the performance of its task, its free access to such persons, places and relevant documents as it considers necessary for the fulfilment of its task and its examination of any witness".

81. DISCUSSION OF GERM WARFARE CHARGES IN THE EIGHTH UNITED NATIONS GENERAL ASSEMBLY: Statement by the United States Representative,¹ November 3, 1953²

The objective of the United States in the discussion of this item was to bring the truth before the world so that these dreadful things would never happen again. Two main events have taken place since the General Assembly last April passed its resolution calling for an impartial investigation of the charges of use by the United Nations forces of bacteriological warfare.³ The first event was that the Republic of Korea and Japan indicated their acceptance of the investigation. The Chinese and North Korean Communists did not reply to the communication of the President of the Seventh General Assembly on this subject.⁴ The second event related to certain materials introduced by the Soviet Union in connection with the debate on this item in the Seventh General Assembly. I am referring to the so-called "confessions" of six American fliers that they had waged bacteriological warfare over North Korea and China.⁵

These fliers had been repatriated and had indicated their so-called "confessions" were obtained under coercion and torture. My Government brought this to the attention of the Committee and also indicated to the Committee the significance of the entire bacteriological warfare campaign in relation to the general political tactics of worldwide Communist imperialism.⁶

Since the resolution of the Seventh General Assembly is still operative, my Government saw no occasion for any further resolution on the subject. An impartial investigation can be conducted pursuant to that resolution, any time that the Chinese or North Korean Communists indicate their willingness to cooperate.

The Soviet Union, however, introduced into the Committee discussion a resolution⁷ calling upon all states which have not acceded to or ratified the Geneva Protocol of June 17, 1925,⁸ for the "prohibition of use of bacteriological weapons to accede to the Protocol or ratify it." This Soviet resolution was properly described in the Committee as a "red herring," totally irrelevant to the question which the Committee was discussing. It was pointed out that the sole motive of the action of the Soviet Union was to cast an aspersion on my Government and thus divert attention from a debate which it could not win.

¹ Henry Ford II.

² Department of State *Bulletin*, Nov. 30, 1953, pp. 758-759.

³ Res. 706 (VII), *supra*, doc. 79.

⁴ *Supra*.

⁵ U.N. docs. S/2802 (Oct. 1, 1952) and A/C.1/L.28 (Mar. 12, 1953). See also letter from Ambassador Henry Cabot Lodge, Jr., U.S. Representative at the United Nations, to the Secretary-General, dated Oct. 26, 1953 (Department of State *Bulletin*, Nov. 9, 1953, p. 648), and U.N. doc. A/C.1/L.66, dated Oct. 26, 1953, containing statements from U.S. fliers repudiating germ warfare confessions.

⁶ See statement of Oct. 26, 1953, by Charles W. Mayo, U.S. Representative in the General Assembly, in Department of State *Bulletin*, Nov. 9, 1953, pp. 641-647.

⁷ U.N. doc. A/C.1/L.67, Oct. 26, 1953.

⁸ League of Nations Treaty Series, vol. 94, p. 65.

The Governments of the United Kingdom, Canada, Colombia, France, and New Zealand introduced into the Committee, and the Committee accepted, a proposal¹ to refer to the Disarmament Commission the draft resolution of the Soviet Union. My Government supported this resolution in the Committee and will vote for it today. The entire question of the elimination of bacteriological warfare as well as of other major weapons of mass destruction properly belongs in the Disarmament Commission. The Soviet Union has reintroduced into the General Assembly the same resolution which it presented to the Committee. The adoption by this Assembly of the resolution approved in the Committee in the view of my Government will make unnecessary a vote on the Soviet resolution.

I sincerely hope that the debate on this matter has established to the satisfaction of all members of the General Assembly that these frightful charges of the use of bacteriological warfare by U.N. forces in Korea are totally unfounded and are false. I further hope that all states will consider thoroughly the significance of such a campaign of falsehood in relation to the broader subject of the political tensions now engulfing the world.

G. EFFORTS TO REACH A POLITICAL SETTLEMENT IN KOREA, 1953-1955

82. COMMON OBJECTIVES WITH RESPECT TO KOREA: Joint Statement Issued at Seoul by the Assistant Secretary of State for Far Eastern Affairs² and the President of the Republic of Korea, July 11, 1953³

During the past 2 weeks we have had many frank and cordial exchanges of views which have emphasized the deep friendship existing between the Republic of Korea and the United States and have gone far toward achieving mutual understanding of the troubled questions which have arisen in connection with arrangements for an armistice, the exchange of prisoners, and the forthcoming political conference.

These discussions have cemented our determination to continue and extend in the postarmistice period the close collaboration for our common objectives, marking our relations since the Communist aggression commenced 3 years ago.

In respect to the prisoners of war, we have reaffirmed our determination that no prisoners shall be subject to coercion and that, at the end of the specified period, all prisoners desiring to avoid returning to Communist jurisdiction shall be set free in South Korea, or, in the

¹ U.N. doc. A/C.1/L.68, adopted by the General Assembly on Nov. 3, 1953.

² Walter S. Robertson.

³ Department of State *Bulletin*, July 20, 1953, pp. 72-73. For further information relating to the Rhee-Robertson talks, see *ibid.*, July 27, 1953, pp. 101-102.

case of the non-Communist Chinese, to proceed to a destination chosen by them.

Our two Governments are in agreement in respect to entering into a mutual-defense pact, negotiations for which are under way.

We have likewise discussed collaboration along political, economic, and defense lines, and our conversations have disclosed a wide area of agreement concerning these matters.

In particular, we wish to emphasize our determination to work together for the realization within the shortest practical time of our common objective; namely, a free, independent, and unified Korea.

We are confident that the spirit of accord in which our talks have progressed, and the large areas of agreement which have resulted, will be followed by continuing mutual consideration and by the spirit of mutual accommodation which will lead most certainly to our broad objective of a secure and lasting peace in the Far East.

83. UNDERSTANDING RESPECTING A POLITICAL CONFERENCE ON KOREA: Statement by the Secretary of State at a News Conference, July 28, 1953 ¹

Asked about reports that the United States had agreed with President Syngman Rhee to withdraw from the Korean political conference after 90 days of the convening of that conference, Secretary Dulles said:

I think that what there is to say has already been said, but I will be glad to try to make it clearer. We have agreed through Assistant Secretary Robertson that if after 90 days it seems that the conference is a sham and unproductive and is being availed of by the Communists as a cover for carrying on subversive activities in Korea, we would join with President Rhee in walking out of the political conference.

We will make our own decision on this as the conference progresses.

We have made it clear to President Rhee, however, that we would not automatically resume war at that time. It was made clear to him that the question of what, if anything, we would do would be a matter for discussion and agreement at that time in the light of the surrounding circumstances.

84. POST-ARMISTICE UNITED STATES-KOREAN POLICY: Joint Statement Issued at Seoul by the Secretary of State and the President of the Republic of Korea, August 8, 1953 ²

Our friendly and understanding consultations demonstrate clearly the determination of the United States and the Republic of Korea to stand together in cordial cooperation to achieve our common objectives, including the reunification of Korea.

¹ Department of State *Bulletin*, Aug. 10, 1953, pp. 176-177.

² *Ibid.*, Aug. 17, 1953, pp. 203-204.

We have today initialed a draft of a mutual defense treaty. That treaty is designed to unite our nations in common action to meet common danger and it will cement the ties which have brought us together to combat in Korea the menace of Communist aggression.

Our two Governments will actively proceed with the constitutional processes necessary to bring this treaty into full force and effect. These constitutional processes, in the case of the United States, require that the U.S. Senate consent to the ratification. The U.S. Senate, having adjourned this week, will not again be in regular session until next January. However, U.S. Senate leaders have been kept fully informed of the exchange of views which have led to the action we have taken today and it is our sincere hope that this will lead to prompt and favorable U.S. Senate action.

Between now and the date when the mutual defense treaty can be expected to come into force and effect, our armed forces in Korea will be subject to the U.N. Command which will comply with the armistice terms. If, during this period, there should occur unprovoked armed attack by the Communist forces against the Republic of Korea in violation of the armistice, the Unc, including the Republic of Korea forces, would at once and automatically react, as such an unprovoked attack would be an attack upon and a threat to the Unc itself and to the forces under its command. Such reaction to an unprovoked armed attack would not be a new war but rather a resumption by the Communist forces of the active belligerency which the armistice has halted. The Unc will be constantly alert against such an attack.

Our Governments will promptly negotiate agreements to cover the status of such forces as the United States may elect to maintain in Korea after the mutual defense treaty comes into force and effect, and the availability to them of Korean facilities and services needed for the discharge of our common task. In the meantime, the Republic of Korea will continue to cooperate with the Unc and the status of Unc forces in Korea and the availability to them of Korean facilities and services will continue as at present.

The armistice contemplates that a political conference will be convened within 3 months, that is, prior to October 27, 1953. At that conference the U.S. delegation, in cooperation with the Rok delegation and other delegations from the Unc side, will seek to achieve the peaceful unification of historic Korea as a free and independent nation. We and our advisers have already had a full and satisfactory exchange of views which we hope and trust will establish a preparatory foundation for coordinated effort at the political conference.

If, after the political conference has been in session for 90 days, it becomes clear to each of our Governments that all attempts to achieve these objectives have been fruitless and that the conference is being exploited by the Communist delegates mainly to infiltrate, propagandize, or otherwise embarrass the Republic of Korea, we shall then be prepared to make a concurrent withdrawal from the conference. We will then consult further regarding the attainment of a unified, free, and independent Korea which is the postwar goal the United States set itself during World War II, which has been ac-

cepted by the United Nations as its goal and which will continue to be an object of concern of U.S. foreign policy.

We recognize that the Republic of Korea possesses the inherent right of sovereignty to deal with its problems, but it has agreed to take no unilateral action to unite Korea by military means for the agreed duration of the political conference.

We contemplate that the projected 3 to 4 year program for the rehabilitation of the war-ruined Korean economy shall be coordinated through the combined economic board, under the joint chairmanship of the Korean and American representatives. This program contemplates the expenditure of approximately one billion dollars of funds, subject to appropriations thereof by the U.S. Congress. Two hundred million dollars has already been authorized, out of prospective defense savings.

We have exchanged preliminary views with respect to various problems involving the maintenance and development of Rok land, air, and sea forces.

We feel confident that the relationship thus established between our two Governments marks an important contribution to the developing of independence and freedom in the Far East. With unshaking faith in the principle of collective security, and with loyal adherence to the Charter of the United Nations, we intend to move forward together toward the achievement of our common objective—the restoration of a unified, democratic, and independent Korean nation.

There are no other agreements or understandings stated or implied resulting from these consultations other than those herein contained.

85. CONVENING OF A POLITICAL CONFERENCE ON KOREA: Resolution 711 (VII) of the United Nations General Assembly, August 28, 1953¹

A

IMPLEMENTATION OF PARAGRAPH 60 OF THE KOREAN ARMISTICE AGREEMENT²

The General Assembly

1. *Notes with approval* the Armistice Agreement concluded in Korea on 27 July 1953, the fact that the fighting has ceased, and that a major step has thus been taken towards the full restoration of international peace and security in the area;

2. *Reaffirms* that the objectives of the United Nations remain the achievement by peaceful means of a unified, independent and democratic Korea under a representative form of government and the full restoration of international peace and security in the area;

¹ U. N. General Assembly, *Official Records, Seventh Session, Supplement No. 20 B (A/2361/Add. 2)*, p. 2.

² Agreement of July 27, 1953; *supra*, pp. 724-750.

3. *Notes* the recommendation contained in the Armistice Agreement that "In order to ensure the peaceful settlement of the Korean question, the military Commanders of both sides hereby recommend to the governments of the countries concerned on both sides that, within three (3) months after the Armistice Agreement is signed and becomes effective, a political conference of a higher level of both sides be held by representatives appointed respectively to settle through negotiation the questions of the withdrawal of all foreign forces from Korea, the peaceful settlement of the Korean question, etc.";

4. *Welcomes* the holding of such a conference;

5. *Recommends* that:

(a) The side contributing armed forces under the Unified Command in Korea shall have as participants in the conference those among the Member States contributing armed forces pursuant to the call of the United Nations which desire to be represented, together with the Republic of Korea. The participating governments shall act independently at the conference with full freedom of action and shall be bound only by decisions or agreements to which they adhere;

(b) The United States Government, after consultation with the other participating countries referred to in sub-paragraph (a) above, shall arrange with the other side for the political conference to be held as soon as possible, but not later than 28 October 1953, at a place and on a date satisfactory to both sides;

(c) The Secretary-General of the United Nations shall, if this is agreeable to both sides, provide the political conference with such services and facilities as may be feasible;

(d) The Member States participating pursuant to sub-paragraph (a) above shall inform the United Nations when agreement is reached at the conference and keep the United Nations informed at other appropriate times;

6. *Reaffirms* its intention to carry out its programme for relief and rehabilitation in Korea, and appeals to the governments of all Member States to contribute to this task.¹

B

The General Assembly,

Having adopted the resolution entitled "Implementation of paragraph 60 of the Korean Armistice Agreement",

Recommends that the Union of Soviet Socialist Republics participate in the Korean political conference provided the other side desires it.

C

The General Assembly

Requests the Secretary-General to communicate the proposals on the Korean question submitted to the resumed meetings of the sev-

¹ See Report of the Agent-General of the U.N. Korean Reconstruction Agency for the period Sept. 15, 1952-Sept. 30, 1953 (U.N. General Assembly, *Official Records, Eighth Session, Supplement No. 14*) and General Assembly Res. 725 (VIII), Dec. 7, 1953 (*ibid.*, Supplement No. 17 (A/2630), p. 12).

enth session and recommended by the Assembly,¹ together with the records of the relevant proceedings of the General Assembly, to the Central People's Government of the People's Republic of China and to the Government of the People's Democratic Republic of Korea and to report as appropriate.

86. COMPOSITION OF AND ARRANGEMENTS FOR A POLITICAL CONFERENCE ON KOREA: Proposals Submitted by the Deputy to the Secretary of State at the Conference Preparatory Talks at Panmunjon, December 8, 1953²

I. *Composition and place of the political conference.*

1. The political conference shall take the form of a conference on an equal footing between the two sides referred to in paragraph 60 of the armistice agreement. The two sides participating in the political conference shall have plenary authority as to its proceedings.

2. The political conference shall have as voting participants: Australia, Belgium, Canada, Colombia, Democratic People's Republic of Korea, Ethiopia, France, Greece, Luxembourg, Netherlands, New Zealand, People's Republic of China, Philippines, Republic of Korea, Thailand, Turkey, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom, and United States of America.³

3. All decisions of the political conference shall be deemed to have been reached by agreement among the voting participants on the two sides referred to in the armistice agreement and the USSR, only if a decision has received the affirmative vote of both sides and the USSR at the political conference. All decisions shall be binding upon each signatory government. Each side shall determine its own procedure as to the manner in which it will signify concurrence or non-concurrence in decisions.

Each voting participant shall be bound only by the specific agreements to which it adheres.

4. In consideration of their responsibilities in connection with the stabilization of the armistice and consequent concern in a peaceful settlement in Korea, and to promote the smooth progress of the political conference, some or all of the governments whose nations are now actually working there or who have current experience in Korea and are currently familiar with its problems, shall be invited

¹ See General Assembly Res. 705 (VII) of Apr. 18, 1953; U.N. General Assembly, *Official Records, Seventh Session, Supplement No. 20A* (A/2361/Add. 1), pp. 3-4.

² Department of State *Bulletin*, Dec. 21, 1953, pp. 877-878.

³ In presenting this proposal Ambassador Dean said: "Some of the governments on our side may not actually attend the political conference. I understand from unofficial information that it is the present intention of the Government of the Union of South Africa not to attend. There may be one or two others who do not join in this offer or who will not care to attend the Conference for one reason or another." [Footnote in *Bulletin*.]

by both sides to attend and take part in the political conference without vote on either of the two sides.

The governments so invited shall be entitled to express their views in plenary sessions or committee meetings on any item on the agenda agreed upon by both sides when that item is under discussion by agreement between the two sides, and in accordance with the scheduling of debate and speeches acceptable to both sides.

On this basis the invited governments may participate in the discussion in the political conference. In view of the responsibilities of the two sides for reaching agreement, the invited governments shall not introduce formal motions or proposals.

5. The political conference shall be convened at Geneva, Switzerland.

II. *Time of the political conference.*

6. The political conference shall be convened not less than 28 nor more than 42 days after the termination of these preliminary talks.

III. *Procedural matters of the political conference.*

7. The agenda of the political conference shall be determined on the basis of the armistice agreement by unanimous agreement between both sides at the political conference as its first order of business after its opening and initial organization.

8. Each government represented at the political conference shall be limited to one representative at the conference table with the right to speak. Each representative as designated in the official list of the political conference shall be entitled to appoint a deputy to sit in his absence, due notification being given to the other side.

9. The rules of procedure shall be decided by unanimous agreement between the two sides and shall include regulations for the conduct of meetings, order of speaking, order of items, and scheduling of the opening and closing of debate.

10. The order and timing of debate, and the schedule of speeches and items for discussion shall be determined by unanimous agreement between the two sides. No representative shall be permitted to speak on any topic not on the agenda and then only in the order on the agenda.

11. The political conference shall establish such committees or subordinate bodies as are agreed between the two sides.

12. The official languages of the political conference shall be English, Korean, and Chinese. The English, Korean, and Chinese texts of all resolutions and documents of the political conference shall be equally authentic. Representatives of the governments invited by the two sides may bring their own interpreters to participate in the conference.

13. Sessions of the political conference shall be held daily, except Sundays or holidays or as otherwise agreed between the two sides.

14. Except as determined by unanimous agreement between both sides, sessions of the political conference shall normally be closed to the public.

Each side shall be entitled to issue communications to the press following the sessions of the conference.

The conference may meet in executive sessions if both sides agree, each side being free to propose the end of such sessions at any time. Neither side shall issue any communication to the press following executive sessions, except as agreed to by both sides.

IV. *Administrative arrangements for the political conference.*

15. The Secretary-General of the United Nations shall be invited to furnish the joint secretariat for the political conference proceedings and facilities for simultaneous interpretation. This shall not restrict each side, or each government represented, from having such separate secretariat, at its own expense, as it may deem necessary.

16. Before _____ each side shall designate representatives to meet at Geneva, Switzerland, together with a representative whom the Secretary-General of the United Nations shall be invited to designate, to prepare recommendations for the consideration of the political conference with regard to:

- (a) Rules of procedure,
- (b) Manner of determining the expenses to be shared equally by the two sides, and
- (c) Related administrative and procedural matters.

Their recommendations shall be subject to ratification at the political conference by the unanimous agreement of both sides.

V. *Expenditures of the political conference.*

17. Expenditures of each delegation to the political conference shall be borne by each government itself. All joint expenses, such as cost of the conference buildings, joint secretariat, and other joint administrative expenses shall be charged on an equal basis to the governments of the two sides.

Done at Panmunjom, Korea, at _____ hours on the _____ day of December 1953, in English, Korean, and Chinese, all texts being equally authentic.

87. **BREAKDOWN OF THE KOREAN POLITICAL CONFERENCE PREPARATORY TALKS: Address by the Deputy to the Secretary of State,¹ December 21, 1953²**

As the Special Envoy appointed by President Eisenhower and Secretary of State Dulles, I am reporting to the American people tonight on my 7 weeks' attempted negotiations at Panmunjom, Korea, with the delegates from Red China and Communist North Korea in an effort to bring about an early convening of the Korean peace conference.

¹ Arthur H. Dean.

² Made over radio and television networks; Department of State *Bulletin*, Jan. 4, 1954, pp. 15-17.

The Communists usually introduce false premises, exaggerations, colorations of fact, distortions of the truth, and completely false accusations for propaganda purposes to mislead and to divert. These talks were no exception.

At the meeting on December 10, 1953, in an uninterrupted 5½-hour session, the Chinese delegate, Huang Hua, after several warnings from me accused the United States of America of perfidy or deliberate treachery in connection with the release of prisoners by President Rhee of the Republic of Korea on June 17-18¹ after Lieutenant General Harrison had signed the terms of reference for prisoners on June 8, 1953.²

My Government has never been guilty of perfidy and pray God it never shall.

I told him that his statement was false—that my Government was not guilty of perfidy and unless he withdrew the charge I would treat the meetings as in indefinite recess. He repeated the charge. And I withdrew in protest. To my mind it is quite sufficient. If I had not, the Communists would have broadcast far and wide that a representative of the United States Government had admitted the charge of perfidy.

President Rhee said to me, "We salute you, Mr. Dean, for the stand you took to teach the Soviets that they cannot all the time throw insults at the United States of America and get away with them."

Tonight I shall explain to you what we were talking about at Panmunjom and why, and where we go from here.

In our preliminary talks with the Communists we were endeavoring to bring about the political or peace conference for Korea called for by paragraph 60 of the Armistice Agreement.

The purpose of the political conference originally scheduled for October 28 is "to settle through negotiation the questions of the withdrawal of all foreign forces from Korea, the peaceful settlement of the Korean question, etc." The Korean question is the unification of a free, independent, and democratic Korea.

The nations I represented at these preliminary talks consisted of the 17 nations contributing troops to the United Nations Command, including the United States of America and the Republic of Korea.

The other side consisted of Red China and Communist North Korea. Not present, but really there, was the U.S.S.R., which, as everyone knows, actually instigated the aggression in Korea in June 1950.

As you know, through the noble and persistent efforts of President Eisenhower, the Armistice Agreement was signed by both sides on July 27, 1953, and was designed to bring about "a complete cessation of hostilities and of all acts of armed force in Korea until a final peaceful settlement is achieved."

The fighting and the bloodshed and the destruction have been stopped.

If the political conference is not held, does that mean hostilities will

¹ See *supra*, docs. 66-68.

² Annexed to the Korean Armistice Agreement, *supra*, pp. 743-748.

be resumed? No—it does not. The armistice agreement provides that it shall remain in effect until expressly superseded.

Will the Communists resume hostilities? I do not think so. The destruction in North Korea is indescribable. Whole villages have been wiped out, power stations have been destroyed, and factories, roads, farmhouses, and public facilities are in ruins. The Communists took a terrific beating. We stopped the tide and timetable of Red aggression.

Posters all over North Korea depict peace, and children releasing white doves. The emphasis is on civilian building. The construction of huge concrete bunkers and tunnels in the north leads us to believe they have no wish to resume hostilities but are preparing to hold the north.

Will President Rhee unilaterally resume hostilities? In my judgment the answer is “no.”

President Rhee is an indomitable fighter for a free, united, and democratic independent Korea. Those are our objectives and of the United Nations. We admire his patriotism and courage and his fight against communism tremendously.

We have signed the armistice and are determined to keep it. On August 7, 1953, President Rhee and Secretary Dulles signed a joint communiqué¹ in which President Rhee agreed to leave his troops under the United Nations Command and to take no unilateral action until the mutual defense pact might be expected to come into operation next spring if approved by the Senate. In view of his talks with Secretary Dulles, Assistant Secretary of State Robertson, and Vice President Nixon and my many talks with him on this subject, I believe President Rhee will take no unilateral action.

What is the argument all about? Why can't we and the Communists agree on the time, place, and composition of the conference?

Time and place are relatively easy. As to time, we are agreeable to any date so long as there is adequate time to prepare the necessary facilities, transport the delegations, etc. As to place, we say Geneva, the Communists say New Delhi, and we could probably agree on Beirut, or Colombo or Kandy or Nuwara Eliya in Ceylon.

The meat of the coconut is the composition. Who will attend the conference—who will be bound by agreements reached? Can we bring about unification of Korea and the withdrawal of foreign forces?

With regard to composition, although the armistice does not so provide, the other side proposed we should invite five neutrals, including the U.S.S.R. as one of them, with the same rights to participate in the discussions and to vote as the nations on the two sides. They include the U.S.S.R. among these truly neutral nations presumably to hide her aggression in Korea. The U.S.S.R. cannot be classified with such truly fine neutrals as Burma, India, Indonesia, and Pakistan. We have said the U.S.S.R. can attend provided the other side wants her.

It is readily apparent why the U.S.S.R. is not a neutral and why it would be desirable to have her at the conference and to know her

¹ See *supra*, doc. 84.

attitude on each agenda item at the conference—whether she agreed with the other side and whether she will be bound by any agreements reached.

Why do the Communists want neutrals? The Communists think they can stir up trouble for us with India by nominating her as a neutral at the conference. They want well-intentioned people to believe that the Government of the United States does not like India, its great leader, or its freedom-loving people, which is fantastic.

Let me here pay tribute to a great military man, a great humanitarian, and a man combining superb common sense with patience and a warm friendly feeling for the helpless prisoners of war—General Thimayya of India, Chairman of the Neutral Nations Repatriation Commission. I believe that General Thimayya is in full sympathy with our desire to observe the unalterable clockwork timetable of the agreement for the release of the prisoners of war.

If the political conference is in session December 22 to January 22, it can discuss until that date but no longer the disposition of prisoners who have not elected repatriation to the country of their origin. It cannot discuss that question longer than January 22. If it is not in session that does not affect by one jot the automatic operation of the time schedule for the release of prisoners.

On midnight, January 22, unless both sides ask them to remain, the Indian forces will withdraw and the prisoners will be assisted to a neutral country. We have assured General Thimayya our side will not so request.

I think there is reason to hope that there will be no action either by the Communists or the Republic of Korea to cause bloodshed and that the prisoners will revert to civilian status on January 22 without difficulty or trouble.

To stop the other side's byplay as to neutrals and to further the early convening of the conference, our side has put forward an overall constructive proposal for the participation at the conference of neutrals as nonvoting observers on the items on the agenda as agreed between the two voting sides and in the order of discussion as agreed upon.¹ This would permit India and the others to participate as nonvoting observers and to discuss items on the agreed agenda and in the agreed order. If an item is not on the agenda it cannot be discussed. Nor can items be brought up out of their agreed order.

Except for the other side's insistence on the U.S.S.R. participating as a neutral, and ironing out the particular neutrals to participate which really constitutes no fundamental difficulty, we have fully met the other side on this question as to the participation of nonvoting observers and their rights at the conference and voting procedures.

As to voting, each side votes as a unit. But any nation, in accordance with resolution 5 (b) adopted by the United Nations General Assembly on August 28, 1953,² can announce before the voting she does not elect to be bound by her vote on that particular item. This should facilitate agreement.

¹ See *supra*.

² See *supra*, doc. 85.

The other side insists that talk continue and that there should be no voting until all nations on each side are bound. If any one nation's vote, as a practical matter, is really needed—for example, unification of Korea or withdrawal of foreign forces—this would, as a practical matter, have to be worked out before voting took place; so really we are not too far apart.

Thus we may have to have some agreement as to the territorial integrity of Korea and agreement to insure that the troops withdrawn across the northern border will not return or that other troops will not cross the border when we withdraw pursuant to some agreement to be worked out for phased withdrawal of troops at the peace conference.

Do I feel there still is a good chance for a true Korean peace, or has Panmunjom demonstrated the futility of a Korean political conference? I do believe the Chinese Communists are determined to keep North Korea politically and economically integrated into their own economy. The outlook is discouraging but by no means hopeless. There is no easy, pat solution. It will take all the brains, energy, resolution, and patience at our command.

Communists are in no hurry. They have no timetable. They think time is on their side and that Americans, being optimistic, friendly, truthful, constructive, and inclined to believe and to hope for the best, will become discouraged.

They believe that at a long, drawn-out conference the American negotiators will be forced by American public opinion to give in, in order to have a "successful" conference. Impatience mounts as no progress is reported. People ask, "What progress did you make today?"

The Communists know this and burn bonfires under the American negotiators and utter rude, insulting, arrogant demands that the American negotiators stop their unconstructive, stalling tactics.

The Communist press is completely government-controlled. Ours is free and pray God it ever shall be. The Communists can plan and talk and vote as a unit. We must marshal facts, argue, and convince the individual nations on our side. I wouldn't have it otherwise. But sometimes it's tough to see your best play spilled before it gets off the ground because someone has unintentionally revealed the signals.

As against that, consider how much better off we would be today if the secret agreements with respect to China, Manchuria, and the U.S.S.R. had never been entered into at Yalta without notice to Nationalist China or to the American public.

The issue between us and the U.S.S.R. and the Chinese Communists—slavery or freedom—is fundamental. There is no easy formula which can either hide it or solve it.

We are fighting to free the minds and souls of men from communism and we in the free world must stand together in this great fight.

It is not a fight of left against right. It is a fight for the human dignity of man as a creature of God against the Communist doctrine that he has no value except as the state desires to use him.

88. RESOLUTION ON THE HOLDING OF A FAR EASTERN CONFERENCE AGREED TO BY THE FOREIGN MINISTERS OF THE UNITED STATES, THE UNITED KINGDOM, FRANCE, AND THE SOVIET UNION¹ AT THE BERLIN FOREIGN MINISTERS CONFERENCE, FEBRUARY 18, 1954²

The Foreign Ministers of the United States, France, the United Kingdom, and the Union of Soviet Socialist Republics, meeting in Berlin,

Considering that the establishment, by peaceful means, of a united and independent Korea would be an important factor in reducing international tension and in restoring peace in other parts of Asia,

Propose that a conference of representatives of the United States, France, the United Kingdom, the Union of Soviet Socialist Republics, the Chinese People's Republic, the Republic of Korea, the People's Democratic Republic of Korea, and the other countries the armed forces of which participated in the hostilities in Korea, and which desire to attend, shall meet in Geneva on April 26 for the purpose of reaching a peaceful settlement of the Korean question;

Agree that the problem of restoring peace in Indochina will also be discussed at the conference, to which representatives of the United States, France, the United Kingdom, the Union of Soviet Socialist Republics, the Chinese People's Republic, and other interested states will be invited.

It is understood that neither the invitation to, nor the holding of, the above-mentioned conference shall be deemed to imply diplomatic recognition in any case where it has not already been accorded.

89. ESTABLISHMENT OF A UNITED AND INDEPENDENT KOREA: Statement by the Secretary of State at the Geneva Conference on Korea and Indochina, April 28, 1954³

We are here to establish a united and independent Korea. It may be given us to write a new page in what has been a tragic history. The people of Korea for centuries lived together as one nation, and together they have long endured foreign subjugation and aggression. They have sought to be united in freedom and independence. This is a right which no nation or group of nations can legitimately deny them.

The United States has come here with the Republic of Korea and with the other governments whose armed forces came to Korea's

¹ John Foster Dulles, Anthony Eden, Georges Bidault, and Vyacheslav M. Molotov.

² *Foreign Ministers Meeting: Berlin Discussions, January 25-February 18, 1954* (Department of State publication 5399; 1954), pp. 221-222. The substance of this resolution was incorporated in the quadripartite communiqué of the Berlin Conference, Feb. 18, 1954; *supra*, pp. 2372-2373.

³ *The Korean Problem at the Geneva Conference, April 26-June 15, 1954*, pp. 45-53.

assistance, in a renewed and determined effort to aid the Korean people to realize their reasonable and rightful aspirations.

Why does Korea remain divided? The 1943 Declaration of Cairo¹ promised that victory over Japan would be used to make Korea "free and independent." But that has not happened.

The present phase of Korea's martyrdom goes back to August 1945. Then the United States, which had for four years borne the burden of the Japanese War, agreed that the Soviet Union might move into Manchuria and Korea north of the 38th parallel, in order to accept there the surrender of the Japanese.² But the Soviets, having gotten into North Korea for one purpose, stayed on for another purpose. Their goal has been, directly or through puppets, to turn North Korea into a satellite state and, if possible, to extend their rule throughout all Korea. In so doing, they have consistently defied agreements with their former allies, and also the collective will represented by the United Nations.

It is important that we should constantly have in mind that what is here at stake is not merely Korea, important as that is; it is the authority of the United Nations. The United Nations assumed primary responsibility for establishing Korea as a free and independent nation. It helped to create the Republic of Korea and nurtured it. When aggressors threatened the Republic of Korea with extinction, it was the United Nations which called on its members to go to Korea's defence.

Korea provides the first example in history of a collective security organization in actual operation. If this Conference is disloyal to the United Nations and its decisions, then each of us will bear a share of responsibility for destroying what protects us all.

Yesterday, the Delegates of the Republic of Korea and of Colombia told eloquently of the mission which the United Nations had assumed in relation to Korea.³ It is a story that bears repetition.

The United Nations first took jurisdiction of the Korean problem in the year 1947. It then created a Temporary Commission for Korea to help organize a government of Korea and to observe the initial elections.⁴ The Soviet Union refused to permit the United Nations Commission to have access to North Korea. Elsewhere the Commission functioned as the United Nations had intended.

In December 1948 the United Nations General Assembly received the report of its Temporary Commission and it adopted, by a vote of 48 to 6 with one abstention, a resolution which I shall read. The resolution declared:

"That there has been established a lawful government (the Government of the Republic of Korea) having effective control and juris-

¹ Declaration of Dec. 1, 1943; *A Decade of American Foreign Policy*, p. 22.

² See General MacArthur's Order No. 1 of Sept. 2, 1945; *The Political Reorientation of Japan, September 1945 to September 1948*, vol. II, pp. 442-445.

³ Statements of Apr. 27, 1954; *The Korean Problem at the Geneva Conference*, pp. 34-39 and 41-45.

⁴ General Assembly Res. 112 (II), Nov. 14, 1947; *A Decade of American Foreign Policy*, pp. 677-678.

diction over that part of Korea where the Temporary Commission was able to observe and consult and in which the great majority of the people of all Korea reside; that this Government is based on elections which were a valid expression of the free will of the electorate of that part of Korea and which were observed by the Temporary Commission; and that this is the only such Government of Korea.”¹

The United States, trusting to the moral authority of the United Nations and the Charter undertakings of its members, withdrew its own armed forces from South Korea. That left South Korea with only local forces suitable for maintenance of internal order. In contrast, the Soviet Union rapidly built up the war power of the Communist regime it had installed in North Korea, and on June 25, 1950, these forces launched a full-scale attack, implemented with many Russian-made tanks and planes.

The United Nations Temporary Commission, which was present on the spot, and the membership of which included India, instantly and unanimously found that this was armed aggression, and so reported to the United Nations Security Council.² That Council in turn, by a vote of 9 to 0, with one absence and one abstention, certified to the fact of aggression, and called on the members of the United Nations to help to resist the aggression.³ Sixteen nations responded with military contributions, and over forty responded with either military or material aid.

The small and lightly armed forces of the Republic of Korea were initially overpowered by the assault. The Communist aggressors quickly occupied all of Korea except a small beachhead at Pusan. But the forces of ROK quickly rallied and the United Nations members gave increasing support. A brilliant military operation, involving a bold landing at Inchon, caught the aggressors off balance, and enabled the United Nations Command to break out of the Pusan beachhead. The aggressors were routed and destroyed as an effective force.

It seemed that the United Nations could now complete its earlier action to unify Korea. Accordingly, on 7 October 1950, the General Assembly set up a new body, known as the United Nations Commission for the Unification and Rehabilitation of Korea—initials UNCURK and usually used—to complete the task of the previous Commissions.⁴ The new Commission proceeded to Korea.

But the long-sought unification and freedom of Korea was not yet to be. Another Communist aggression intervened. In November 1950 the Chinese Communist regime sent masses of its armed forces into Northern Korea. The United Nations General Assembly by a vote of 44 to 7, with 9 abstentions, adjudged this intervention to be aggression.⁵

¹ Res. 195 (III), Dec. 12, 1948; U.N. General Assembly, *Official Records, Third Session, Part I, Resolutions*, pp. 25-27.

² Reports of June 25 and 26, 1950; *United States Policy in the Korean Crisis* (Department of State publication 3922; 1950), pp. 12 and 21.

³ Resolution of June 25, 1950; *supra*, pp. 2538-2539.

⁴ Res. 376 (V); *supra*, pp. 2576-2578.

⁵ Res. 498 (V), Feb. 1, 1951; *supra*, pp. 2608-2609.

The United Nations Command was forced to withdraw again to the south of Korea. But again they fought their way back to a point where the aggressors held less territory than when they had committed the initial aggression from the 38th parallel.

On 27 July 1953, an Armistice was concluded with the United Nations Command.¹ This was no free-will gift of peace by the Communists. It came only after final fanatical efforts to break the line of the United Nations Command had failed with ghastly losses to the attackers. It came only after the Communists realized that, unless there was a quick armistice, the battle area would be enlarged so as to endanger the sources of aggression in Manchuria. Then and only then did the Communist rulers judge that it would be expedient to sign the Armistice.

The Armistice contemplated that there should be a political conference with reference to Korea within three months. But the Communists found it inexpedient to live up to that agreed recommendation. They desired first to consolidate their position in North Korea.

Only now does the Korean Political Conference meet, after long haggling over its composition and place of meeting.

The composition and the place of the Conference are precisely those which the United Nations side proposed six months ago.

This fact enables one to judge where lies the responsibility for the delay.

The seven-year story I have summarized is a story of persistent attack against the forces of international law and order represented by the United Nations. Whether this attack will still prevail may be determined by this Conference.

During the seven-year period of 1947 to the present time, which I have briefly reviewed in relation to Korea, the Governments of France, Great Britain and the United States have been working with the Soviet Union to bring about the unification of Germany and liberation of Austria. There have been hundreds of meetings of the Foreign Ministers or their aides on these subjects. Nothing has been accomplished. But something has been learned. This Conference can usefully have that in mind as we judge the proposals which come before us here.

It seems to us that Soviet Communist conduct has been largely influenced by fear of freedom.

It seems that the Communist ruling class believe that a society is most peaceful and most productive if its members conform to a pattern which is prescribed by rulers possessed of absolute power. This inherently involves a suppression of freedom, for freedom implies diversity, not conformity, but it is not enough that freedom be suppressed within what is now the Soviet orbit, because freedom is contagious. Accordingly, freedom outside that orbit cannot be acquiesced in and the area of suppression must be constantly expanded in order to preserve the existing area of suppression.

Thus, the Soviet Communist rulers seem to have been driven by their own doctrine, by their own fears, to seek constantly, in one way or

¹ *Supra*, pp. 724-750.

another, to extend their control until there is finally achieved the goal which Lenin referred to as "the amalgamation of all nations" and which Stalin referred to as "the amalgamation of the masses into a single state Union."

It may be said that Lenin and Stalin are dead—and so they are. But their doctrine is not dead. It continues to be taught to Communists throughout the world, and Communists continue to practice it throughout the world.

As the record stands to this date, the Communist rulers have at no time, at no place, voluntarily relaxed their grasp on what they had. This is so even though, as in the case of Eastern Germany, Austria and North Korea, they had promised that the grasp was to be only temporary. Also, in every non-Communist nation of the world the agents of international communism work to achieve the amalgamation of the nation and its people into the system of Communist dictatorship.

The problem which we face here at Geneva is the same problem that has been faced elsewhere. It is the problem of achieving "peace" and "democracy"—in the historic meaning of those words. They are alluring words, rich in their traditional meaning. Communist propaganda has adopted them as lures, to trap the unwary. It must be remembered that when the Communists speak of "peace," they mean a society of conformity under a single directing will. When they speak of "democracy," they mean a "dictatorship of the proletariat."

The sum of the matter is this:

When we negotiate with the Soviet Communists and their satellites, we are confronted with something far more formidable than individual or national lust for glory. We are confronted with a vast monolithic system which, despite its power, believes that it cannot survive except as it succeeds in progressively destroying human freedom.

I do not present this analysis in a mood of pessimism, but rather in a mood of realism. Communist doctrine authorizes accommodation when the opposition is strong. It is our task here to show such strength—strength of honourable and non-aggressive purpose—that the Communists will find it acceptable to grant unity and freedom to Korea.

Yesterday, we heard three proposals for the solution of the problem of Korea. The Republic of Korea and the Republic of Colombia advocated a solution giving vitality to the resolutions of the United Nations—those resolutions which refer to the establishment of a united and free Korea.

The proposal of the North Korean-Communist regime was, however, something different.¹ It did not so much as mention the United Nations or its resolutions. These, it seems, are to be treated as nullities.

The Communist proposal is in essence the same as that made in June 1950, as a prelude to the armed attack upon the Republic of

¹ Proposal of Apr. 27, 1954; *The Korean Problem at the Geneva Conference*, pp. 39-40.

Korea. Also, it is strikingly similar to the scheme which the Soviet Union presented at Berlin last February¹ for the unification of Germany. Conformity, you see, is the Communist rule.

The present Communist proposal on Korea provides that the freely elected government of the Republic of Korea, representing at least three-quarters of the Korean people, would be forced into combination, on a basis of equality, with the Communist regime ruling a small minority of the people in the North.

General elections are proposed by the Communists under a law, the terms of which would be subject to veto by the Communist regime. The proposal stipulates that the election conditions should exclude all "foreign interference." Presumably, this is intended to exclude United Nations supervision.

The scheme is designed to destroy the authority of the existing government and to replace it by a Communist puppet regime.

The North Korean Communist proposal likewise requires that all foreign forces should be withdrawn from Korean territory within six months. The United Nations forces would have a long way to go. The Chinese Communist forces would have only a few miles to go—and they could quickly return.

The United States does not desire its troops to remain indefinitely in Korea. But we remember that once before we had our troops in Korea and withdrew them prematurely as it turned out. We do not want that history to repeat itself.

This then is the North Korean proposal. The United States must reject that proposal because it does not meet the requirements of a free, unified and independent Korea, for which so much blood has been expended and suffering endured.

Peace is always easy to achieve—by surrender. Unity is also easy to achieve—by surrender. The hard task, the task that confronts us, is to combine peace and unity with freedom.

The people of the Republic of Korea know freedom, and they have fought and suffered as have few others to preserve their freedom.

I have myself seen the freedom of the Republic of Korea.

I have been to the University of Seoul and seen the young men and women of Korea eagerly acquiring knowledge in a free, liberal educational institution.

I have attended sessions of the Korean Assembly and seen the functioning of this body, whose members had been chosen by freely contested elections observed by a United Nations Commission.

I have met in a vast auditorium with thousands of Christian refugees who had recently fled from North Korea into the Republic of Korea to escape the religious persecution of the Communist North and to gain the freedom of religion which prevailed in the Republic of Korea.

The Republic of Korea, which fought so valiantly for freedom, will never accept unity at the price of thinly disguised annexation by the

¹ Proposal of Feb. 4, 1954; *Foreign Ministers Meeting: Berlin Discussions, January 25-February 18, 1954* (Department of State publication 5399; 1954), pp. 228-229.

Soviet-Chinese Communist bloc. The United States sent over one million of their youth to fight in Korea to save Korea from violent annexation by aggressors. Of them, over 140,000 became casualties. Certainly we are not disposed, here at the Council table, to give away what our sons battled so bravely to preserve.

It is basic that whatever programme is adopted here for the unification of Korea must in fact also be a programme which will assure the freedom of Korea.

A workable programme for unifying Korea does not have to be invented by us. It is already at hand. It was laid down by the United Nations General Assembly resolution of October 7, 1950. That is the resolution to which I have already referred, the resolution which established a Commission to complete the unification of Korea by observing elections in that part of Korea where observed elections had not yet been held.

That United Nations Commission (UNCURK) is at this very moment waiting in Korea ready to fulfil its clear and precise mandate from the United Nations.

Accomplishment of that mandate would complete the unification and freedom of Korea which was interrupted first by Soviet obstruction in 1948, then by North Korean Communist aggression in June 1950, and then by the Chinese Communist aggression of November 1950. Now that aggression has been thwarted, the interrupted work of the Commission should proceed. That is our proposal.

It would require the Chinese Communist regime to withdraw their forces of aggression and occupation from North Korea so that the United Nations can complete its task in an atmosphere free of menace.

It is important to think of freedom not only in terms of the freedom of individuals but also in terms of national freedom. Korea is a peninsula of such strategic value that it has for many years been the subject of big-power politics. Russia, Japan and China have successively sought to use Korea to serve their own policies of aggrandizement. For a long time the Koreans have not been the masters of their own destiny. That state of affairs should be ended.

The United States seeks no advantages in Korea. We are in the process of concluding a Mutual Security Treaty with the Republic of Korea.¹ But that treaty implies no aggressive purpose and the United States does not seek thereby to gain a forward position which could menace anyone.

Japan is no longer an aggressive force and has loyally undertaken to refrain from the threat or use of force against the territorial integrity or the political independence of any other country.

The Republic of Korea has itself no ambitions which extend beyond its natural borders.

Are Soviet Russia and Communist China willing to renounce ambitions which would be served by control of Korea? If so, it will be possible to give Korea that national independence which the United Nations has been seeking for Korea, and which the Koreans want for themselves.

¹ Treaty of Oct. 1, 1953; *supra*, pp. 897-898.

Such a Korea should of course be a member of the United Nations and enjoy the added dignity and protection which membership may give. It may be recalled that the Republic of Korea applied for membership in the United Nations in 1949.¹ It was prevented only by a Soviet Union veto in the Security Council.² That is another of the wrongs which we should agree here to remedy.

There are those who feel that past experience and cold reason combine to show the futility of the task which we here undertake. I do not underestimate the difficulty of that task. But I still feel that we need not be discouraged, and that it is not a waste of our time to seek resourcefully to achieve our allotted goal.

We properly recall the failures of the past, so that we may profit by experience. But we can also remember that the future is never a mere repetition of the past.

We need not let cold logic chill our hopes. We know that those who live by faith prevail in the end over those who live by calculation.

It is right that Korea should be united and should be a free and independent nation able to realize a destiny which conforms to the peaceful aspirations of its people.

It is right that the United Nations should be sustained as an authority to which all peoples, for all time, may turn to save them from the scourge of war and to assure the dignity and worth and equal rights of nations large and small.

Our duty is to pursue these goals with dedication, and with a purity of purpose which admits of no self-aggrandizement. Then we shall have done our part in serving principles of moral order, which impose themselves on men and nations.

90. SIXTEEN-NATION DECLARATION ON KOREA ISSUED AT THE GENEVA CONFERENCE ON KOREA AND INDOCHINA, JUNE 15, 1954³

Pursuant to the resolution of August 28, 1953, of the United Nations General Assembly,⁴ and the Berlin communique of February 18, 1954,⁵ we, as nations who contributed military forces to the United Nations Command in Korea, have been participating in the Geneva

¹ See United Nations *Bulletin*, Mar. 1, 1949, pp. 209-210.

² The Soviet Union exercised its veto at the Security Council meeting of Apr. 8, 1949; *ibid.*, May 1, 1949, pp. 457-458.

³ Department of State *Bulletin*, June 28, 1954, pp. 973-974. Signed by R. G. Casey of Australia, P. H. Spaak of Belgium, C. A. Ronning of Canada, Francisco Urrutia of Colombia, Z. G. Heywot of Ethiopia, Jean Chauvel of France, Jean Kindynis of Greece, J. Sturm of Luxembourg, A. Bentinck of the Netherlands, A. D. McIntosh of New Zealand, Carlos P. Garcia of the Philippines, Y. T. Pyun of the Republic of Korea, Wan Waithayakon of Thailand, M. C. Acikalin of Turkey, Anthony Eden of Great Britain, and Walter Bedell Smith of the United States.

⁴ *Supra*, doc. 85.

⁵ *Supra*, pp. 2372-2373.

Conference for the purpose of establishing a united and independent Korea by peaceful means.

We have made a number of proposals and suggestions in accord with the past efforts of the United Nations to bring about the unification, independence, and freedom of Korea; and within the framework of the following two principles which we believe to be fundamental.

1. The United Nations, under its Charter, is fully and rightfully empowered to take collective action to repel aggression, to restore peace and security, and to extend its good offices to seeking a peaceful settlement in Korea.

2. In order to establish a unified, independent and democratic Korea, genuinely free elections should be held under UN supervision, for representatives in the national assembly, in which representation shall be in direct proportion to the indigenous population in Korea.

We have earnestly and patiently searched for a basis of agreement which would enable us to proceed with Korean unification in accordance with these fundamental principles.

The Communist delegations have rejected our every effort to obtain agreement. The principal issues between us, therefore, are clear. Firstly, we accept and assert the authority of the United Nations. The Communists repudiate and reject the authority and competence of the United Nations in Korea and have labelled the United Nations itself as the tool of aggression. Were we to accept this position of the Communists, it would mean the death of the principle of collective security and of the UN itself. Secondly, we desire genuinely free elections. The Communists insist upon procedures which would make genuinely free elections impossible. It is clear that the Communists will not accept impartial and effective supervision of free elections. Plainly, they have shown their intention to maintain Communist control over North Korea. They have persisted in the same attitudes which have frustrated United Nations efforts to unify Korea since 1947.

We believe, therefore, that it is better to face the fact of our disagreement than to raise false hopes and mislead the peoples of the world into believing that there is agreement where there is none.

In the circumstances, we have been compelled reluctantly and regretfully to conclude that so long as the Communist delegations reject the two fundamental principles which we consider indispensable, further consideration and examination of the Korean question by the conference would serve no useful purpose. We reaffirm our continued support for the objectives of the United Nations in Korea.

In accordance with the resolution of the General Assembly of the United Nations of August 28, 1953, the member states parties to this declaration will inform the United Nations concerning the proceedings at this conference.¹

¹ See Results of the Korean Political Conference at Geneva: Letter, Report and Annex From Certain Members of the United Nations to the Secretary-General, Nov. 11, 1954; *infra*, doc. 92.

91. TRANSFER TO THE REPUBLIC OF KOREA OF ADMINISTRATIVE CONTROL OVER THE REGION BETWEEN THE ARMISTICE DEMARCATION LINE AND THE 38th PARALLEL: Resolution of the United Nations Commission for the Unification and Rehabilitation of Korea, August 9, 1954¹

"The United Nations Commission for the Unification and Rehabilitation of Korea,

"Recalling the resolution of the Interim Committee on Korea of 12 October 1950,² subsequently endorsed by UNCURK, which advised the Unified Command to assume provisionally all responsibilities for government and civil administration of areas north of the 38th parallel³ which might come under occupation by United Nations forces and over which the United Nations had not recognized any Government as having legal and effective control, pending consideration by UNCURK in the light of its responsibility for establishing a unified, independent and democratic Government of all Korea,

"Noting that the Unified Command has, through the United Nations Command, administered in accordance with that resolution the small area north of the 38th parallel which has been under United Nations control since 1951,

"Considering that the cessation of hostilities consequent upon the conclusion of the Armistice Agreement on 27 July 1953 has enabled the United Nations Command to develop civilian resettlement of that area, so far as possible with original inhabitants who have been living as refugees in South Korea, under a programme viewed favourably by the Commission as a means of relieving the refugee problem and assisting the economy,

"Recognizing that the civilian population has now grown to some 130,000 in this area of approximately 2,300 square miles and has created an increasingly large and complex administrative task which needs the facilities of civilian administration,

"Bearing in mind that the United Nations Command has in consequence indicated to the Commission that it now wishes to be relieved of responsibility for an administration which it considers it is not organized to carry out,

"Believing that in any event it is undesirable to keep a civil population under military administration for a prolonged period after hostilities have ceased.

"Considering that this problem can be appropriately resolved by transferring administrative control to the Government of the Republic of Korea, and

"Further considering that such transfer of administrative control will be without prejudice to the final disposition of the territory and will not adversely affect any future negotiations for a settlement of the Korean question,

¹ U.N. General Assembly, *Official Records, Ninth Session, Supplement No. 15 (A/2711)*, pp. 6-7.

² For the full text of the resolution of Oct. 12, 1950, see *ibid.*, *Sixth Session Supplement No. 12 (A/1881)*, p. 13.

³ See map of Korea, *supra*, p. 725.

"*Recommends* that the Unified Command transfer, as soon as practicable, administrative control over the areas north of the 38th parallel and south of the Demilitarized Zone now under United Nations control to the Government of the Republic of Korea." ¹

92. RESULTS OF THE KOREAN PHASE OF THE GENEVA CONFERENCE ON KOREA AND INDOCHINA: Letter, Report, and Annex From Certain Members of the United Nations to the U.N. Secretary-General, November 11, 1954 ²

LETTER DATED 11 NOVEMBER 1954 FROM THE MEMBERS OF THE UNITED NATIONS WHICH PARTICIPATED IN THE UNITED NATIONS ACTION IN KOREA AND ATTENDED THE KOREAN POLITICAL CONFERENCE, AT GENEVA, ADDRESSED TO THE SECRETARY-GENERAL

In paragraph 60 of the Korean Armistice Agreement signed on 27 July 1953 the military commanders of both sides recommended that, in order to ensure the peaceful settlement of the Korean question, a "political conference of a higher level of both sides" be held. The General Assembly, in its resolution of 28 August 1953,³ welcomed the holding of such a conference and recommended that "the side contributing armed forces under the United Nations Command in Korea shall have as participants in the conference those among the Member States contributing armed forces pursuant to the call of the United Nations which desire to be represented, together with the Republic of Korea". It also recommended that the Union of Soviet Socialist Republics participate in the conference, "provided the other side desires it". The United States Government was requested to make the arrangements for the political conference with the other participants. Finally, the Assembly recommended that Member States participating in the political conference on the United Nations side should inform the United Nations when agreement was reached at the conference and keep the United Nations informed at other appropriate times.

Efforts by the United States to make arrangements for the conference in accordance with these resolutions were for long frustrated. However, the Foreign Ministers of France, the United Kingdom, the United States, and the USSR, meeting in Berlin, proposed on 18 February 1954 that "a conference of representatives of the United States, France, the United Kingdom, the Union of Soviet Socialist Republics, the Chinese People's Republic, the Republic of Korea, the Democratic People's Republic of Korea, and the other countries the armed forces of which participated in the hostilities in Korea, and

¹ The President of the Republic of Korea was informed by the United Nations Command, Aug. 12, 1954, of the latter's intent to effect this transfer; see the Department of State *Bulletin*, Sept. 6, 1954, p. 337.

² U.N. General Assembly, *Official Records, Ninth Session, Annexes, agenda item 17 (A/2786)*, Nov. 11, 1954.

³ *Supra*, doc. 85.

which desire to attend, shall meet in Geneva on 26 April for the purpose of reaching a peaceful settlement of the Korean question".¹

The Conference convened as scheduled on 26 April in accordance with the Berlin *communiqué* of 18 February 1954 with all eligible countries attending except the Union of South Africa. In our view this Conference was in effect the conference referred to in paragraph 60 of the Korean Armistice Agreement and the General Assembly's resolution of 28 August 1953. The Korean problem was discussed in fifteen plenary sessions and one special meeting over a period of seven weeks, from 26 April to 15 June.

Pursuant to the Assembly's resolution of 28 August 1953, the Members of the United Nations who participated in the United Nations action in Korea and attended the Geneva Conference believe it appropriate to inform the United Nations of their efforts to bring about, by negotiation, a peaceful solution of the Korean problem. It is requested that their report on the Conference, and this letter, be circulated to the Members of the United Nations. Copies of the records of the Conference have been transmitted to the United Nations Secretariat.

For Australia: Percy SPENDER

For Belgium: F. VAN LANGENHOVE

For Canada: Paul MARTIN

For Colombia: Francisco URRUTIA

For Ethiopia: Z. G. HEYWOT

For France: H. HOPPENOT

For Greece: Alexis KYROU

For Luxembourg: J.-P. KREMER

For the Netherlands: D. J. VON BALLUSECK

For New Zealand: L. K. MUNRO

For the Philippines: Felixberto M. SERRANO

For Thailand: Wan WAI THAYAKON

For Turkey: Selim SARPER

For the United Kingdom of Great Britain
and Northern Ireland: Anthony NUTTING

For the United States of America: Henry Cabot LODGE, Jr.

1. Our Governments, which participated in the United Nations action in Korea, made every effort at the Korean Political Conference in Geneva to obtain agreement that would lead to the establishment of a unified, independent, and democratic Korea. To this end, our delegations made a number of proposals and suggestions, consistent with the authority and principles of the United Nations, to achieve the unification of Korea by peaceful means on a practical and honorable basis. Agreement was sought on the basis of the following two fundamental principles:

(1) The United Nations, under its Charter, is fully and rightly empowered to take collective action to repel aggression, to restore peace and security, and to extend its good offices to seeking a peaceful settlement in Korea; and

¹ *Supra*, doc. 88.

(2) In order to establish a unified, independent and democratic Korea genuinely free elections should be held under United Nations supervision for representatives in a National Assembly, in which representation shall be in direct proportion to the indigenous population in all parts of Korea.

2. The three Communist delegations rejected these principles. In the first place, they argued that the United Nations, through the collective action taken in Korea, had lost its moral and legal authority to deal with the Korean problem. For example, in a speech to the Conference on 11 May 1954, Mr. Molotov said:

"In the situation which has arisen the United Nations has deprived itself of the possibility of acting as an impartial international organ [,] and it can no longer play an objective part in the settlement of the Korean question."¹

The same viewpoint was expressed on 22 May by Mr. Chou En-lai, who asserted that:

"... the United Nations has been placed in the position of a belligerent in the Korean War and has lost its competence and moral authority to deal impartially with the Korean question".

Mr. Nam Il told the Conference on 22 May that:

"We fail to understand the statement[s] of some delegates who have called upon the Korean people to respect the United Nations' actions and resolutions on the Korean question."²

3. The Governments which participated in the United Nations action in Korea believed that it was essential to declare and adhere to the first of the principles mentioned above in order to uphold the validity of the Charter of the United Nations and the legality of the collective action undertaken by the United Nations to repel the Communist aggression and to restore peace and security in Korea. This principle was reaffirmed by the General Assembly which, in a resolution of 28 August 1953, expressed satisfaction that "the first efforts pursuant to the call of the United Nations to repel armed aggression by collective military measures have been successful" and expressed its firm conviction that "... this proof of the effectiveness of collective security under the United Nations Charter will contribute to the maintenance of international peace and security". Our delegations at the Geneva Conference therefore rejected the contention that the United Nations, in taking collective action against aggression, had lost its authority under the Charter to find a peaceful solution of the Korean question. We believe that, had we taken any other position in this matter at Geneva and accepted the repudiation of the authority and competence of the United Nations in Korea,

¹ *The Korean Problem at the Geneva Conference, April 26-June 15, 1954* (Department of State publication 5609; 1954), p. 97.

² *Ibid.*, p. 117.

this would have gravely undermined the principle of collective security which is embodied in the Charter of the United Nations.

4. Our Governments also strongly believed that the second principle—genuinely free elections—was essential to the achievement of the objectives of the United Nations in Korea. Free elections are the only means by which the Korean people can express their will without fear of coercion; they are, therefore, the essential first step towards the unification of Korea. To ensure that the elections are held under conditions of genuine freedom in Korea, we maintained that they must be conducted under appropriate supervision. In our view, such supervision must be impartial and effective and should be under the authority and auspices of the United Nations.

5. The proposals put forward by the three Communist delegations on the subject of elections were, briefly, that:

(1) Elections in Korea must be prepared and conducted by an "all-Korean commission" in which North and South Korea would have equal representation and which would function only by agreement between the two.

(2) International supervision of the elections must be limited to a "neutral nations supervisory commission", composed of an equal number of Communist and non-Communist nations to be designated by the Conference, and operating only by unanimous agreement.

6. In our view, these proposals were unacceptable. They repudiated the competence of the United Nations and were inherently unworkable. They failed entirely to provide any guarantee that elections would be carried out in genuine freedom. They rejected the principle of proportional representation by insisting that in the so-called "all-Korean commission" the minority of the population who inhabit North Korea should have the same number of representatives as the overwhelming majority of the population who live in South Korea. Even if the "all-Korean commission" could successfully have been constituted, it could only have functioned to the extent that its North Korean and South Korean members were in complete agreement. There was no provision for resolving points of disagreement. In practice, the Communist members would have retained an absolute veto over the conduct of the elections, which would have meant that they could never have taken place in freedom, if at all.

7. As for the proposed "Neutral Nations Supervisory Commission", it could only have functioned in the unlikely event that the "all-Korean commission" was able to agree on a plan for the elections. Even then the equal representation of Communist and non-Communist nations, and the provisions under which decisions could only be taken by unanimous agreement, would have enabled the Communist members of the supervisory commission to frustrate the commission's operations and to prevent any effective observation of the elections. As was pointed out at Geneva, this form of international supervision would have been identical with that of the neutral nations supervisory commission established under the Korean Armistice Agreement. The

inherent vice in the proposal becomes the more patent in the light of past experiences when we consider that Communist representatives have freely used the veto to frustrate any contemplated action no matter how reasonable. There was no basis for believing that the proposed Commission would have been any more effective in practice than the neutral nations supervisory commission established by the Armistice Agreement which, because of Communist obstruction, has been unable to ensure compliance with the Agreement in North Korea.

8. The proposals of the three Communist delegations indicated plainly a refusal to submit the solution of the Korean problem to the will of the Korean people expressed in honest and free elections, adequately and impartially supervised. They sought to obliterate the distinction between the Government of the Republic of Korea, and the North Korean régime whose forces were declared by the United Nations to have committed aggression in Korea. The Communist proposals would have served to extend their control over all of Korea or, at the very least, to perpetuate its division.

9. The three Communist delegations also called for the withdrawal of all foreign forces from Korea before the holding of elections. This proposal would have involved the withdrawal of the United Nations forces before the mission of the United Nations to establish peace and security in Korea had been completed, leaving behind them a country still divided, still without a single government, and with no early hope of obtaining one. Furthermore, the proposal amounted to a demand that the aggressor forces in Korea should be placed on a plane of equality with the United Nations forces which are in Korea in accordance with United Nations resolutions to repel aggression.

10. Our Governments were all agreed that all United Nations forces should be withdrawn as soon as this could be done without prejudice to the objectives of the United Nations to restore peace and security in the area. We believed, therefore, that the withdrawal of the United Nations forces from Korea should be completed as soon as these objectives had been achieved and after the establishment of a unified Korea.

11. For more than seven weeks every effort was made by our delegations to secure agreement on a basis consistent with the principles set out in paragraph 1 above. These efforts were in vain. It became clear that serious negotiation was impossible and that the Conference was being exploited by the Communist spokesmen to attack the very basis of the United Nations action in Korea and to attempt to confuse world opinion on the fundamental issues in the Korean question. To the very end, the Communist proposals would have made the unification of Korea impossible, except on the basis of extending Communist control over all of Korea. We came to the conclusion, therefore, that further discussions at the Geneva Conference could hold out no prospect of success.

12. At the final session of the Conference on 15 June, the three Communist delegations presented a number of further proposals. These were designed essentially to blur the issues at stake and to make it appear that the Conference was in complete agreement on

the objectives it sought in Korea. Nevertheless, it quickly became evident that the Communist Delegations maintained their previous position on the points of principle discussed above. They still insisted on the withdrawal of all foreign forces from Korea before the beginning of the elections, and that these elections should be arranged by an "all Korean Commission" and supervised by a "Neutral Nations Supervisory Commission" in each of which the Communist members would retain a power of veto. They continued to assert (in the words of the Foreign Minister of the Soviet Union on 15 June) that the United Nations Organization "has acted in Korea as a belligerent and . . . in consequence has no moral right to function as an impartial organization for the solution of the Korean problem".¹

13. They also claimed that the adoption of their proposals was necessary in order to bind all parties in Korea to maintain peace there. It was pointed out to them that the Korean Armistice Agreement already contained formal and exact provisions for the maintenance of the cease-fire in paragraph 62 which lays down that:

"The articles and paragraphs of this Armistice Agreement shall remain in effect until expressly superseded either by mutually acceptable amendments and additions or by provision in an appropriate agreement for a peaceful settlement at a political level between both sides".

14. In our view the proposals submitted by the three Communist delegations at the final session could have served only to conceal the serious issues of principle which remained unresolved. We considered that it was better to face the facts of our disagreement and that it would be wrong to raise false hopes and mislead the peoples of the world into believing there was agreement when in truth there was none. Accordingly, at the final plenary session of 15 June, our Delegates and the Delegate of the Republic of Korea made the Declaration by the Sixteen (of which the text is attached),² in which we informed the Communist Delegations that we had been compelled, reluctantly and regretfully, to conclude that, so long as they rejected the two fundamental principles which we consider indispensable, further consideration and examination of the Korean question by the Conference would serve no useful purpose.

15. The Governments which participated in the United Nations action in Korea deeply regret that the Communist delegations persisted at Geneva in the same refusal to accept elections impartially supervised which has frustrated the efforts of the United Nations since 1947 to bring about the unification of Korea.

Our delegations made it clear that the failure of the Geneva Conference to solve the Korean question does not prejudice the armistice

¹ *The Korean Problem at the Geneva Conference . . .*, p. 179. The translation differs somewhat, reading: ". . . the United Nations, which is acting the part of a belligerent in Korea and has, therefore, no moral grounds for assuming the role of an impartial body with regard to the Korean question. . . ."

² Not printed as attachment here; see Sixteen-Nation Declaration on Korea Issued at Geneva, June 15, 1954; *supra*, doc. 90.

a Korea, which remains in effect. We expressed our intent to continue to support the objectives of the United Nations in Korea, in particular that of achieving a unified, independent, and democratic Korea by peaceful means. It is our hope that, through the acceptance of the fundamental principles set forth in the first paragraph of this report, it may yet prove possible to achieve this objective.

3. APPROVAL OF REPORT ON THE KOREAN PHASE OF THE GENEVA CONFERENCE ON KOREA AND INDOCHINA: Resolution 811 (IX) of the United Nations General Assembly, December 11, 1954¹

The General Assembly,
Having noted the report of the United Nations Commission for the Unification and Rehabilitation of Korea signed at Seoul, Korea, on 7 August 1954,²

Having received the report on the Korean Political Conference held in Geneva from 26 April to 15 June 1954,³ in pursuance of General Assembly resolution 711 (VII) of 28 August 1953,

Noting that the negotiations in Geneva have not resulted in agreement on a final settlement of the Korean question in accordance with the United Nations objectives in Korea,

Recognizing that these objectives should be achieved by peaceful methods and by constructive efforts on the part of the Governments concerned,

Noting that paragraph 62 of the Armistice Agreement of 27 July 1953 provides that the Agreement "shall remain in effect until expressly superseded either by mutually acceptable amendments and additions or by provision in an appropriate agreement for a peaceful settlement at a political level between both sides",

1. *Approves* the report on the Korean Political Conference;
2. *Reaffirms* that the objectives of the United Nations remain the achievement by peaceful means of a unified, independent and democratic Korea under a representative form of government and the full restoration of international peace and security in the area;
3. *Expresses the hope* that it will soon prove possible to make progress towards these objectives;
4. *Requests* the Secretary-General to place the item on the provisional agenda of its tenth session.

¹ U.N. General Assembly, *Official Records, Ninth Session, Supplement No. 21 A/2890*, p. 5.

² *Ibid.*, *Supplement No. 15*.

³ *Supra*.

94. CONTINUING CONSIDERATION OF A POLITICAL SETTLEMENT IN KOREA: Resolution 910 A (X) of the United Nations General Assembly, November 29, 1955¹

REPORT OF THE UNITED NATIONS COMMISSION FOR THE UNIFICATION
AND REHABILITATION OF KOREA

The General Assembly,

Having noted the report of the United Nations Commission for the Unification and Rehabilitation of Korea signed at Seoul, Korea, on 7 September 1955,²

Recalling that, in resolution 811 (IX) of 11 December 1954,³ in approving the report⁴ of the fifteen Governments participating in the Geneva Conference on behalf of the United Nations, the General Assembly expressed the hope that it would soon prove possible to make progress towards the achievement by peaceful means of a unified, independent and democratic Korea under a representative form of government and of full restoration of international peace and security in the area,

Noting that paragraph 62 of the Armistice Agreement of 27 July 1953 provides that the Agreement "shall remain in effect until expressly superseded either by mutually acceptable amendments and additions or by provision in an appropriate agreement for a peaceful settlement at a political level between both sides",

1. *Reaffirms* its intention to continue to seek an early solution of the Korean question in accordance with the objectives of the United Nations;

2. *Urges* that continuing efforts be made to achieve these objectives;

3. *Requests* the Secretary-General to place the Korean question on the provisional agenda of the eleventh session of the General Assembly.

¹ U.N. doc. A/RES/326, Nov. 30, 1955. See also Department of State *Bulletin*, Dec. 26, 1955, pp. 1074-1086.

² U.N. General Assembly, *Official Records, Tenth Session, Supplement No. 13* (A/2947).

³ *Supra*.

⁴ *Supra*, doc. 92.

H. THE PRISONER OF WAR PROBLEM FOLLOWING THE ARMISTICE, 1953-1955

5. POSSIBLE COMMUNIST DETENTION OF KOREAN WAR PRISONERS: Statement by the Department of State, August 8, 1953¹

The State Department is gravely concerned by reports that the Communists may not intend to return all of our prisoners now in their custody. It has long been believed on good authority that the Soviet Union still holds an unknown number of World War II prisoners of different nationalities, and it was with this in mind that we insisted on a clause in the armistice agreement which provided that any U.N. personnel who are said not to desire repatriation must nevertheless be transferred to the custody of the [Neutral Nations] Repatriation Commission where United Nations and U.S. officials will have access to them. This would include any prisoners alleged to have been given "jail sentences." None is exempt.

We must avoid action which might jeopardize the safety or liberty of our prisoners now in Communist hands. The progress of the prisoner exchange is being watched closely and appropriate action will be taken just as soon as definite facts are established.

6. AUTHORITY FOR RELEASE OF NON-REPATRIATE PRISONERS OF WAR: Statement by the Secretary of State, November 17, 1953²

There has been some inquiry as to the status of prisoners of war in Korea 120 days after they were turned over to the Repatriation Commission. The armistice provisions are clear.³ All prisoners who have not chosen repatriation, and as to whom no other disposition has been agreed to by the Political Conference, shall be given their freedom after 120 days. This period ends January 22, 1954. Even if no Political Conference has been held by that time the prisoners on that date should receive their freedom.

Since the beginning of the POW [Prisoner of War] discussion, the U.S. position has been consistently that POW's must not be forcibly repatriated or held indefinitely.

This was made clear and accepted by the United Nations when its resolution of December 3, 1952,⁴ was under discussion. It was made clear to the Communists when armistice negotiations were resumed in the spring of 1953. This position was finally accepted by the

¹ Department of State *Bulletin*, Aug. 17, 1953, pp. 205-206.

² *Ibid.*, Nov. 30, 1953, p. 749.

³ Armistice Agreement of July 27, 1953; *supra*, pp. 724-750.

⁴ See U.N. Proposals for Solution of Prisoner of War Problem: General Assembly Res. 610 (VII), Dec. 3, 1952; *supra*, doc. 62.

Communists in June 1953, although the Communists attempted to insert a provision which would have held the prisoners until final agreement by the Political Conference. The U.N. negotiators maintained their position that POW's should not be indefinitely held and the Communists finally accepted the U.N. position. The agreement thus confirms the consistent and firm position of the United States.

The relevant portion of paragraph 11 of the Terms of Reference for the Neutral Nations Repatriation Commission,¹ annexed to the Armistice Agreement, reads:

The Neutral Nations Repatriation Commission shall declare the relief from the prisoner of war status to civilian status of any prisoners of war who have not exercised their right to be repatriated and for whom no other disposition has been agreed to by the Political Conference within one hundred and twenty (120) days after the Neutral Nations Repatriation Commission has assumed their custody.

97. AUTHORITY FOR RELEASE OF NON-REPATRIATE PRISONERS OF WAR: Statement by the Commander-in-Chief, United Nations Command, December 23, 1953²

The terms of reference for the Neutral Nations Repatriation Commission,³ signed at Panmunjom on June 8 of this year as an annex to the armistice agreement which later halted armed conflict in Korea, resolved an issue which alone had protracted the cease-fire discussions for more than a year.

The issue was the right of a Pow [Prisoner of War] who resists repatriation to seek asylum and of a detaining power to grant it. This right is based on respect under the law for individual freedom and human dignity. To uphold it the Unc [United Nations Command] fought throughout the long and at times frustrating negotiations.

Paragraph 11 of the terms of reference provide that at the expiration of 90 days after the transfer of custody of Pow to the Neutral Nations Repatriation Commission, access to captured personnel by representatives of their original sides shall terminate. That 90-day period of explanations comes to an end on December 23.

Paragraph 11 provides that as of the end of the day of 22 January these men will become entitled to their freedom as civilians. There will no longer be authority for their custody by the Indian troops. As civilians they are to be enabled to go to any available country of their choice. Public statements made by representatives of the ROK [Republic of Korea] and the National Government of the Republic of China contain open invitations to the nearly 8,000 Korean and more than 14,000 Chinese anti-Communists, respectively, in the south CFI [Custodian Force, India] camp to make their new homes in the ROK and in the territory under the control of the National Government of the Republic of China. Representatives of these 2 nations are being informed that my command will use all

¹ Annex to Agreement of July 27, 1953; *supra*, pp. 743-748.

² Department of State *Bulletin*, Jan. 18, 1954, p. 90.

³ *Supra*, pp. 743-748.

available facilities to expedite the movement of the individuals who desire to go to those countries. Under paragraph 11 of the terms of reference to the NNRC [Neutral Nations Repatriation Commission] and the Indian Red Cross are to assist any individual who may wish to apply to go to neutral countries elsewhere in the world.

It is regrettable that Communist obstructions have caused disagreements and disrupted the explanations to nonrepatriate POW [Prisoners of War]. Despite the fact that agreement was once reached concerning the fundamental rights of these thousands of prisoners, the Communists have persisted in employing their habitual frustrating tactics to the extent that the work of the NNRC has been interfered with and the already difficult job of the Custodial Force, India, greatly complicated.

With the expiration of this period of explanations, I desire to express my profound admiration and respect for the Indian troops. In their unique and sensitive mission these officers and men have demonstrated an almost unprecedented capacity for military firmness and humane restraint. Their rigid adherence to mandate imposed upon them by the terms of reference has earned them the plaudits of all fairminded nations of the world and an unshakable confidence in their ability to continue their duty in the same splendid manner until their mission is completed some 30 days hence.

98. AUTHORITY FOR RELEASE OF NON-REPATRIATE PRISONERS OF WAR: Letter From the Commander-in-Chief, United Nations Command,¹ to the Chairman of the Neutral Nations Repatriation Commission,² January 16, 1954³

I have read your letter of 14 January⁴ in which you propose to request the United Nations Command to accept the restoration of custody, beginning at 0900 hours, 20 January, of those prisoners of war given over to the Neutral Nations Repatriation Commission by this command.

In my communication to you of 6 January,⁵ the position of the United Nations Command was stated clearly. That position has not and will not be changed, since it is founded on both the spirit and the letter of the terms of reference which embody the factors of humanity and justice for the prisoners themselves and the recognition of their inalienable right of freedom of choice.

It is recognized that Communist intransigence made it impossible for the Neutral Nations Repatriation Commission fully to accomplish its mission under its agreed terms of reference. The United Nations Command in good faith turned over the prisoners of war in its custody

¹ Gen. John E. Hall.

² Lt. Gen. K. S. Thimayya of India.

³ Department of State *Bulletin*, Jan. 25, 1954, pp. 115-116; see also *ibid.*, Feb. 1, 1954, pp. 152 ff.

⁴ *Ibid.*, Jan. 25, 1954, pp. 113-115.

⁵ Not printed.

to the Neutral Nations Repatriation Commission, with confidence that each prisoner would be given full opportunity to hear explanations and to make freely and without coercion his own choice as to his future. The United Nations Command made an earnest effort to explain their rights to repatriation to the prisoners it turned over to custody of the Neutral Nations Repatriation Commission. The United Nations Command also sought to assist the Neutral Nations Repatriation Commission in conducting explanations to prisoners of war formerly detained by the United Nations Command. Failure to complete explanations to more than a minority of prisoners of war formerly detained by the United Nations Command can only be attributed to the stubborn refusal of the Korean People's Army and Chinese People's Volunteers to continue explanations except under conditions of their own choosing, which conditions required the use of physical force against the prisoners of war. Such use of force is contrary to the terms of reference, the Geneva Convention and the universally accepted concepts of human decency and rights. The United Nations Command supports and commends the Neutral Nations Repatriation Commission and the Custodian Force, Indian, in their refusal to use force illegally against prisoners of war.

The United Nations side has made every effort to convene the political conference recommended in Paragraph 60, Armistice Agreement, and referenced in Paragraph 11, Terms of Reference, Neutral Nations Repatriation Commission, which was to consider within the specified period of thirty days the disposition of prisoners of war. These efforts have been thwarted by the other side. However, as I made clear in my letter of 6 January, the plain intent of Paragraph 11 of the Terms of Reference is to prevent either party to the agreement from frustrating the basic purpose of avoiding indefinite captivity for the prisoners.

For the United Nations Command now to agree to further and indefinitely prolonged captivity of these prisoners of war would negate the very principle of human rights for which so many men of this command have fought and died. Such unjust and unworthy action is intolerable to any free people, and is obviously unthinkable. The United Nations Command agreed to the Terms of Reference for the Neutral Nations Repatriation Commission only because they included a prohibition against enforced repatriation, and made clear provisions for the final release of prisoners of war to civilian status 120 days after being placed in the custody of the Neutral Nations Repatriation Commission.

I reiterate the unalterable conviction of the United Nations Command that the Neutral Nations Repatriation Commission has a solemn obligation to fulfill its responsibilities and release to civilian status at 23 January all prisoners of war who have refused repatriation. Failure of the Neutral Nations Repatriation Commission to fulfill this obligation would be a deliberate avoidance of an important element of the Terms of Reference and the United Nations Command could not concur in an action constituting default by the Neutral Nations Repatriation Commission.

The United Nations Command cannot accept custody of these prisoners of war in accordance with the terms of your proposal. However, in view of your stated intention to release unilaterally the prisoners of war starting 20 January, the United Nations Command must necessarily be prepared to arrange for their accommodation and disposition. In processing these personnel, after they leave the demilitarized zone, it must be clearly understood that we do so out of regard for humanitarian consideration and in order to insure the prisoners the fullest possible continued enjoyment of the benefits the agreement was designed to assure to them. The United Nations Command, in accordance with the agreement on prisoners of war, will honor its obligation to treat them as fully entitled to their freedom as civilians on 23 January. You are already aware of the detailed plans for processing which have been made by the United Nations Command. The return to the United Nations Command of personnel prior to 2300 1 January can only be regarded as a failure by the Neutral Nations Repatriation Commission fully to discharge its duties, but this failure will in no way, it must be emphasized, affect the right of prisoners of war to become civilians at that time regardless of their physical location.

Accordingly, I have instructed the Commanding General, Eighth United States Army,¹ to adjust his present plans to permit handling and processing of personnel beginning 20 January. He will, as a matter of priority, make the necessary arrangements with you.²

99. REPORTS OF UNITED STATES PRISONERS OF WAR HELD IN SOVIET CUSTODY: Note From the American Embassy at Moscow to the Soviet Ministry of Foreign Affairs, May 5, 1954³

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Union of Soviet Socialist Republics and has the honor to request the Ministry's assistance in the following matter:

The United States Government has recently received reports which support earlier indications that American prisoners of war who had seen action in Korea have been transported to the Union of Soviet Socialist Republics and that they are now in Soviet custody. The United States Government desires to receive urgently all information available to the Soviet Government concerning these American personnel and to arrange their repatriation at the earliest possible time.

¹ Gen. Maxwell D. Taylor.

² For the reports of the Neutral Nations Repatriation Commission for the period Sept. 9, 1953-Feb. 21, 1954, see U.N. General Assembly, *Official Records, Eighth Session, Supplement No. 18* (A/2641). For the report of the U.N. Command on the operation of the Neutral Nations Repatriation Commission, see *ibid.*, *Supplement No. 19* (A/2642).

³ Department of State *Bulletin*, May 24, 1954, p. 785. For the text of the Soviet denial of May 12, see *ibid.*

100. ACCOUNTING FOR MISSING UNITED NATIONS PERSONNEL: Statement by the Senior United Nations Representative on the Military Armistice Commission,¹ August 17, 1954²

On the ninth of September, 1953, we presented to your side a list of the names of United Nations Command personnel who, according to our best available information, were prisoners of war held by your side in the months immediately preceding the end of active hostilities in Korea and who were not returned to our side in the programs of prisoner exchange. As subsequently amended, the list currently in your hands totals 3,405 individuals. The reason that we gave you these amendments from time to time was because of our sincere desire to provide your side with the most accurate information possible so that a satisfactory accounting could be made by your side for these prisoners of war.

Because of the fact that additional information has recently become available which warrants the deletion of a considerable number of names from the list currently in your possession and since further amendments to the original list might create confusion, we have prepared a completely new list for your use. This new list supersedes and replaces all previous information we have presented you on this subject. I now hand you a list containing the names of 2,840 United Nations Command personnel who we are convinced were in your hands and whom we consider as not having been accounted for in a satisfactory manner. The names of persons of Korean nationality are listed in the Korean language, all others are listed in English.

The difference between this new list and previous lists furnished amounts to 418 United States personnel, 1 British soldier, and 146 Republic of Korea personnel. These deletions are largely persons determined to be deceased or, particularly in the case of some of the Korean persons, found to have been repatriated.

The United Nations Command is desirous of securing a complete report as to the current status of each of these persons. If they are currently held in North Korea, Manchuria, China, or elsewhere, the location of the place of custody and the reason therefor is requested. If they are deceased, that information should also be furnished together with any additional details available regarding cause of death and place of burial, including an indication that the remains will be returned in the exchange program beginning on 1 September 1954.

During the recent negotiations at Geneva it was developed that certain of the prisoners are being held in China. We are particularly interested in obtaining information regarding these individuals. Since their captive status resulted from the conflict in Korea, it is appropriate that the necessary exchange of information concerning both the place of detention and reason therefor be conducted here in this commission. It is requested that for each name in this category the reason for detention and the time and place of their expected release be furnished to our side.

¹ Rear Adm. T. B. Brittain.

² Department of State *Bulletin*, Sept. 13, 1954, p. 379.

The families of the personnel in this unaccounted-for category are anxious to reach an early and satisfactory settlement of this entire problem. Accordingly, immediately upon receipt from your side of a complete accounting by name for each of these 2,840 United Nations Command personnel, in return and as evidence of our sincerity in desiring to exchange the most complete information available on the present status of former prisoners of war, we are prepared to present to your side an explanation by individual name for the 98,739 personnel of your side on the list you submitted to our side on 21 September 1953. It is proposed that this exchange of information will be reciprocal and simultaneous. Such an exchange of information will contribute greatly to the successful accomplishment of our mission of negotiations here in the Military Armistice Commission. I await your reply as to when you expect to be able to furnish the information we have requested and thereby expedite the receipt of the information you desire regarding your list.

101. PROTEST OF IMPRISONMENT OF UNITED STATES PRISONERS OF WAR BY THE CHINESE COMMUNISTS:
Note From the United States Government to the Chinese Communist Authorities (Transmitted by the British Embassy at Peiping), November 26, 1954¹

The United States Government vigorously protests the wrongful action of the Chinese Communist authorities in sentencing on November 23rd eleven members of the United States Armed Forces and two American civilians employed by the Department of the Army to terms of imprisonment on political charges which are without foundation.² These Americans were in planes which were attacked over the recognized combat zone in Korea, or over international waters, in the course of the Chinese Communist aggression against Korea. Their detention is in patent violation of the Korean Armistice Agreement.

The sentencing of the members of the United States Armed Forces to penitentiary terms in these circumstances is grossly contrary to the substance and spirit of all recognized international standards as to the protection of prisoners of war. The maltreatment of the two civilian American citizens, whose names were willfully and deceitfully withheld by the Chinese Communist representatives at Geneva last June from the list of American civilians held in Chinese Communist jails, is equally reprehensible.

The United States Government calls upon the Chinese Communist authorities to release these unjustly detained American nationals

¹ Department of State *Bulletin*, Dec. 6, 1954, pp. 856-857. See also statement of Nov. 23, 1954, by the Department of State; *ibid.*, p. 856.

² For the text of the announcement of this sentence by the Chinese Communist authorities, see *Documents on American Foreign Relations, 1954* (New York, 1955), pp. 348-352.

forthwith, in accordance with the provisions of the Korean Armistice Agreement and in conformity with the elementary precepts of justice and humanity.

The Chinese Communist authorities are under an obligation to redress in so far as possible the wrong they have inflicted on these American nationals and their families. The United States Government reserves the right to claim compensation as may be determined appropriate, and to demand the punishment of the Chinese Communist officials responsible for the denial of the rights of these persons.

The Chinese Communist authorities should bear in mind that the long list of Chinese Communist outrages against American nationals, which the American people have borne with restraint thus far, is significantly extended by the Chinese Communist announcement of November 23rd.

102. COMMUNIST DETENTION OF UNITED NATIONS PERSONNEL: Letter and Explanatory Memorandum From the United States Representative at the United Nations¹ to the U.N. Secretary-General, December 4, 1954²

The Government of the United States of America, as the Unified Command of United Nations forces in Korea, proposes herewith the inclusion of the following additional item in the agenda of the ninth regular session of the General Assembly:

“Complaint of detention and imprisonment of United Nations military personnel in violation of the Korean Armistice Agreement”.

Pursuant to rule 20 of the rules of procedure, an explanatory memorandum is attached.

In view of the urgency and importance of this item, I request that a meeting of the General Committee be convened at the earliest possible moment.

EXPLANATORY MEMORANDUM

COMPLAINT OF DETENTION AND IMPRISONMENT OF UNITED NATIONS MILITARY PERSONNEL IN VIOLATION OF THE KOREAN ARMISTICE AGREEMENT

A United States Air Force B-29 type aircraft, on a mission of the United Nations Command in Korea, was attacked fifteen miles south of the Yalu River near the North Korean town of Sonchon and shot down on 12 January 1953. The officers and men of the United States Air Force on the plane were captured. More than a year and a half later, and long after the conclusion of the Korean Armistice Agreement providing for the release of all captured personnel desir-

¹ Henry Cabot Lodge, Jr.

² U.N. doc. A/2830, Dec. 4, 1954; see also Department of State *Bulletin*, Dec. 20, 1954, pp. 931 ff.

repatriation, eleven officers and men from the above-mentioned craft were brought before a Chinese Communist military tribunal and sentenced to long terms of imprisonment.

This is a clear-cut violation of the Armistice Agreement.

The United States Government first learned of this action by the Chinese Communist authorities through a broadcast of the Peking Radio on 24 November 1954. Immediately thereafter, the United States Government sought to communicate with the Chinese Communist authorities, both directly in Geneva and through the United Kingdom Government, to protest this serious violation of the Korean Armistice Agreement. The Chinese Communist authorities rejected these representations.

The Government and people of the United States are shocked and enraged by the treatment thus accorded to its airmen who were giving the cause of peace under the Charter, and hold these same feelings for the men of other nations who are held prisoner. The Governments of other nations having troops in Korea share this feeling of indignation at this violation of the Armistice Agreement.

The United States believes this conduct of the Chinese Communist authorities has created a serious situation for the United Nations, which called for the action in Korea to repel Communist aggression, and which requested the United States to provide a Unified Command of United Nations forces in Korea. The United States believes the United Nations must now act promptly and decisively to bring about the release of these eleven officers and men and all other captured personnel of the United Nations Command still detained.

3. COMMUNIST DETENTION OF UNITED NATIONS PERSONNEL: Resolution 906 (IX) of the United Nations General Assembly, December 10, 1954¹

The General Assembly,

Having considered the item proposed by the United States of America as the Unified Command regarding eleven members of the United States armed forces under the United Nations Command captured by Chinese forces when undertaking a mission on 12 January 1953, at the direction of the United Nations Command.

Recalling the provisions of article III of the Korean Armistice Agreement regarding the repatriation of prisoners of war,

1. *Declares* that the detention and imprisonment of the eleven American airmen, members of the United Nations Command, referred to in document A/2830,² and the detention of all other captured personnel of the United Nations Command desiring repatriation is a violation of the Korean Armistice Agreement;

2. *Condemns*, as contrary to the Korean Armistice Agreement, the

¹ U.N. General Assembly, *Official Records, Ninth Session, Supplement No. 21* (1954), p. 56.

² *Supra*.

trial and conviction of prisoners of war illegally detained after 25 September 1953;

3. *Requests* the Secretary-General, in the name of the United Nations, to seek the release, in accordance with the Korean Armistice Agreement, of these eleven United Nations Command personnel, and all other captured personnel of the United Nations Command still detained;

4. *Requests* the Secretary-General to make, by the means most appropriate in his judgment, continuing and unremitting efforts to this end and to report progress to all Members on or before 31 December 1954.¹

104. COMMUNIST DETENTION OF UNITED NATIONS PERSONNEL: Statement by the Department of State, January 19, 1955²

Secretary Dulles, Ambassador Henry Cabot Lodge, Jr., and Assistant Secretary Walter S. Robertson met with the U.N. Secretary-General, Dag Hammarskjold, and U.N. Under Secretary Ahmed S. Bokhari on January 19. They conferred for about an hour and a half. Mr. Hammarskjold gave Secretary Dulles a detailed report of the conversations that he had had in Peiping in pursuance of his mandate from the United Nations³ to make continuing and unremitting efforts to effect the release of captured personnel of the U.N. Command detained by the Chinese Communist regime in violation of the terms of the Korean Armistice.

The Secretary-General gave a full account of the information and views that had been exchanged at Peiping on the question of the U.N. Command prisoners and expressed the hope that, given restraint on all sides, it would be possible to effect their release. In the meantime he had made inquiries and received assurances regarding the well-being of the prisoners, and he has transmitted this information to the Secretary of State. This will be transmitted in turn to the families by the U.S. Defense Department.

Secretary Dulles expressed, on behalf of the President and himself, their appreciation of the painstaking efforts which had been made and their hope that the United Nations would persist effectively in the course upon which it had embarked pursuant to the U.N. General Assembly resolution of last December. Secretary Dulles pointed out that there was in the United States a strong sentiment in favor of direct action but that it was the policy of the President for the time being to leave the handling of this matter, insofar as it was covered by the U.N. resolution, to the United Nations itself and to abstain

¹ On Dec. 30, 1954, the Secretary-General reported that following an exchange of cablegrams and conversations with the Chinese Communist Ambassador at Stockholm, he, the Secretary-General, was proceeding that day to visit Peiping. See U.N. General Assembly, *Official Records, Tenth Session, Supplement No. 1* (A/2911), p. 14.

² Department of State *Bulletin*, Jan. 31, 1955, pp. 189-190.

³ *Supra*.

from direct intervention which might embarrass the activities and efforts of the United Nations itself. The Secretary did, however, point out that the U.S. Government and indeed the entire American people were strongly aroused by the unlawful imprisonment of U.S. citizens and that they awaited with eagerness and anxiety the further developments in this matter.

105. COMMUNIST DETENTION OF UNITED NATIONS PERSONNEL: Statement by the Department of State, January 21, 1955¹

The Secretary-General of the United Nations was informed during his Peiping discussions that Chinese Communist authorities might permit relatives to visit those United States personnel who had been convicted and those whose cases were under investigation and that they would provide them the necessary entry visas. This morning the Chinese Communists made this announcement.

The United States Government cannot, of course, in good conscience encourage those who may wish to go into an area where the normal protections of an American passport cannot be offered. World public opinion will judge the motives of those who, having it in their power and being under an obligation to end promptly the tragic grief they have caused, now visit upon the families of these imprisoned Americans a harrowing dilemma. It is by releasing those they hold that the Chinese Communists can convincingly show concern for the human sufferings they have caused.

106. NEGOTIATIONS FOR RELEASE OF UNITED NATIONS PERSONNEL DETAINED BY THE COMMUNISTS: Report of the U.N. Secretary-General, September 9, 1955²

1. The General Assembly, by resolution 906 (IX) of 10 December 1954,³ requested the Secretary-General to seek the release, in accordance with the Korean Armistice Agreement, of eleven United Nations Command personnel and all other captured personnel of the United Nations Command⁴ still detained. It further requested the Secretary-General to make, by the means most appropriate in his judgment, continuing and unremitting efforts to this end and to report progress to all Members on or before 31 December 1954.

¹ Department of State *Bulletin*, Jan. 31, 1955, p. 192. For the text of a letter from the Secretary of State to the next of kin of each of the imprisoned personnel, dated Jan. 27, 1955, advising that the Department of State would not issue passports valid for travel to the Chinese mainland, see *ibid.*, Feb. 7, 1955, p. 214.

² U.N. doc. A/2954, Sept. 9, 1955.

³ *Supra*, doc. 103.

⁴ In the debate on this resolution attention was drawn to four jet pilots, serving under the United Nations Command, who were known to be detained in China. [Footnote in the original document.]

2. On 31 December 1954,¹ I submitted a report informing Members that, following an exchange of communications with the Prime Minister of the State Council and Minister for Foreign Affairs of the People's Republic of China and a meeting in Stockholm with General Keng Piao, Ambassador of the People's Republic of China, arrangements were made for the Secretary-General to visit Peking.

3. As stated in my annual report to the General Assembly on the work of the Organization,² my visit to Peking was made necessary because of the need to establish a direct contact with the Central People's Government of the People's Republic of China, since this Government was not represented in any organs of the United Nations. The visit, aimed primarily at clarifying the substantive and legal aspects of the matter, established this direct contact on a personal basis. It thus provided possibilities to pursue the discussion concerning the problem raised by the detention of the United Nations personnel referred to in the General Assembly resolution.

4. After my return from Peking I continued, within the framework of the contact thus established, an exchange of views with Mr. Chou En-lai, Prime Minister and Minister for Foreign Affairs of the People's Republic of China. The contact was maintained mainly through a series of communications transmitted by the Swedish Embassy in Peking. I received valuable assistance also from representatives of the Governments of other Member States.

5. A renewed personal contact with a representative of the Central People's Government of the People's Republic of China, Ambassador Keng Piao, was made by me in Stockholm on 23 April 1955.

6. By a letter to me, given to the Swedish Ambassador in Peking in the early afternoon of 29 May 1955 (New York time), Mr. Chou En-lai announced that an investigation of the cases of four detained fliers had been completed and that it had been decided that they should be deported immediately from the territory of the People's Republic of China. The four men arrived in Hong Kong on 31 May 1955.³

7. By an oral message to me, given to the Swedish Ambassador in Peking at 1 o'clock in the morning, 1 August 1955 (New York time), and transmitted by him, Mr. Chou En-lai announced that the Central People's Government of the People's Republic of China had decided to release as soon as feasible the eleven American fliers who had been detained and imprisoned, and that an announcement to that effect would be made in Peking at 10 a. m. on 1 August 1955 (New York time). The eleven men arrived in Hong Kong on 4 August 1955.⁴

8. Mr. Chou En-lai has expressed his hope that the contact established will be continued. In reply I have stated that this hope is shared by me.

¹ See U.N. General Assembly, *Official Records, Ninth Session, Annexes, Agenda item 72* (A/2891). [Footnote in the original document.]

² *Ibid.*, *Tenth Session, Supplement No. 1* (A/2911). [Footnote in the original document.]

³ See Department of State *Bulletin*, June 13, 1955, p. 953.

⁴ See *ibid.*, Aug. 15, 1955, p. 262.

. OPERATION OF THE KOREAN ARMISTICE MACHINERY, 1953-1955

07. COMMUNIST OBSTRUCTION OF INSPECTION ACTIVITIES IN KOREA: Letter From the Senior United Nations Representative on the Military Armistice Commission¹ to the Neutral Nations Supervisory Commission, April 15, 1954²

1. For investigation of violations of the Armistice Agreement by the KPA/CPV [Korean People's Army/Chinese People's Volunteers]³ side, during the period 29 November 1953 to 9 February 1954, the following facts are presented for your immediate consideration.

2. On 29 November 1953, after the KPA/CPV in a meeting of the MAC [Military Armistice Commission] refused to submit a joint letter to the NNSC [Neutral Nations Supervisory Commission], the UNC [United Nations Command] unilaterally requested the NNSC to investigate the case of three soldiers apprehended by the UNC on 19 November 1953 in the Joint Security Area. These three soldiers were identified beyond question to be former soldiers of the ROKA [Republic of Korea Army]. The place and date of their capture by the KPA/CPV was firmly established. Although ample evidence was available to verify the fact that these persons were impressed into the KPA/CPV military units, and were retained after 24 September 1953, a clear violation of paragraph 51 of the Armistice Agreement by the KPA/CPV, the Czech and Polish members of the NNSC refused to participate in any proceedings for the consideration of this critical matter as a violation of the Armistice Agreement.

3. On 18 December 1953, after the KPA/CPV in another meeting of the MAC again refused to submit a joint letter to the NNSC, the UNC unilaterally, and for the second time, requested the NNSC to investigate the case of two individuals apprehended by the UNC, south of the Southern boundary of the Demilitarized Zone on 10 December 1953. These individuals, as in the case of the three ROKA persons previously cited, were also identified beyond question to be former soldiers of the ROKA who had been impressed into the KPA/CPV military units. Their retention after 24 September 1953 constituted a second clear violation of paragraph 51 of the Armistice Agreement by the KPA/CPV. For the second time, the NNSC failed to take any action on a unilateral request from the Senior Member of a side as authorized in paragraphs 28 and 42F of the Armistice Agreement. For the second time, the Czech and Polish members of the NNSC refused to participate in the performance of their solemn obligation under the terms of the Armistice Agreement.

4. On 18 January 1954, and again on 26 January 1954, the UNC submitted separate unilateral requests to the NNSC to investigate

¹ Maj. Gen. J. K. Lacey, USAF.

² Department of State *Bulletin*, May 3, 1954, pp. 689-691.

³ All brackets inserted in original *Bulletin* presentation.

specific military units of the several ROKA persons, who had been impressed into the military service of the KPA/CPV, in order to ascertain whether these and other individuals had also been forcibly detained in the territory under the military control of the KPA/CPV. For the third and fourth time, respectively, the Czech and Polish members of the NNSC again refused to cooperate in the investigation of KPA/CPV violations of the Armistice Agreement. The arguments presented by the members gave every indication of being mere excuses to prevent the NNSC from confirming KPA/CPV violations of the Armistice Agreement in the territory under the military control of the KPA and the CPV. Particularly significant, however, was the fact that the responses of the Polish and Czech members as evidenced by an examination of the minutes of the 89th and 96th meetings of the NNSC, conformed to and appeared to be unduly influenced by the contents of two prior letters of 19 January and 27 January, issued by the Senior Member of the KPA and CPV, MAC, as his reply to the UNC unilateral requests submitted to the NNSC on 18 January and 26 January, respectively. Substantiation of such influence is found in the following remark made by the Polish member and confirmed by the Czech member, at the 96th meeting of the NNSC:

The Polish Delegation also deems it its duty to declare that for the above stated reasons it will not agree—either now or in the future—to a request of one of the sides to conduct any investigation in connection with the issue of retention of the captured personnel of the other side—until settlement or understanding is reached on the matter by the two opposing sides or by the forthcoming political conference.

Such a decision by the Czech and Polish members is considered by the UNC to render the NNSC ineffective for future investigation of any Armistice violations relating to captured ROKA personnel impressed into KPA and CPV military units.

5. Finally, on 9 February, 1954, the UNC unilaterally requested the NNSC to investigate the illegal introduction of combat material into the territory under the military control of the KPA and the CPV, in violation of the Armistice Agreement. Names of places and exact locations were included in this request of the UNC. Before the NNSC had officially announced its decision regarding the UNC request, the Senior Member of the KPA and CPV, MAC, addressed a letter to the Senior Member of the UNC, MAC, denying all the facts presented. Concurrently he forwarded an almost identical letter to the NNSC. The influence that this letter had on the proceedings of the NNSC cannot be discounted.

6. In attempting to veil these KPA and CPV violations, the Senior Member of the KPA and CPV, MAC, charged the UNC with violations of the Armistice Agreement, with no foundation in fact. In addition to labeling the UNC charges slanderous fabrication, the Senior Member of the KPA and CPV, MAC, attempted to offset the UNC requests for investigation of violations by submitting unfounded charges against the UNC. In a letter dated 23 Feb. 1954, the NNSC indicated its inability to carry out its pledged obligations with regard to the UNC requests of 9 February 1954. This letter was received

on 19 March 1954. This was the fifth time that the Czech and Polish members of the NNSC refused to participate in the performance of their duties as members of the NNSC, in accordance with the provisions of the Armistice Agreement.

7. Reliable information available to the UNC shows that the KPA and CPV have introduced operating combat aircraft into the territory under the military control of the KPA and the CPV, and are introducing combat equipment in such a manner as to by-pass and evade the NNITs [Neutral Nations Inspection Teams] at the ports of entry in the territory under the military control of the KPA and the CPV, all of which acts are deliberate violations of the Armistice Agreement. Although the Senior Member of the UNC, MAC, has requested that investigation of these violations be accomplished by the NNSC, the Senior Member of the KPA and CPV, MAC, has stated that no such inspection could ever be permitted since the KPA and CPV have not violated the agreement. The Senior Member of the KPA and CPV, MAC, as the representative of his commanders, has clearly violated that portion of para 17 of the Armistice Agreement which states:

The Commanders of the opposing sides shall establish within their respective commands all measures and procedures necessary to insure complete compliance with all of the provisions hereof by all elements of their commands. They shall actively cooperate with one another and with the Military Armistice Commission and the Neutral Nations Supervisory Commission in requiring observance of both the letter and the spirit of all of the provisions of this Armistice Agreement.

8. The UNC has made every effort to facilitate the operations of the NNSC in the territory under the military control of the UNC and has in good faith complied with the letter and spirit of the Armistice Agreement. The NNITs have been given maximum freedom to inspect incoming and outgoing equipment according to the agreement. The NNITs have been given access to documents listing combat materiel and military personnel introduced into and evacuated from the territory under the military control of the UNC. With the aid of these documents they have been able to accomplish their supervisory duties quickly and efficiently. At airfields the teams received information on all arrivals and departures of aircraft including approximate flight appointment times, type of aircraft, and flight numbers. The teams have been allowed to board cargo aircraft to accomplish their inspections and inspections have been carried out daily. The UNC has always willingly and freely complied with requests of the NNITs for additional information. The UNC, in its desire to carry out both the spirit and letter of the Armistice Agreement, has allowed the above mentioned freedom to the NNITs in spite of the fact that it has been obvious from the first that the Polish and Czech members of the NNITs have been utilizing this very freedom for the purpose of taking advantage of administrative errors and technical discrepancies to charge the UNC with deliberate efforts to violate the Armistice Agreement. If the UNC had intended to violate the Armistice Agreement it would have followed the system used in the territory under the military control of the KPA and CPV. In that territory the NNITs have been

so restricted and handicapped by the established procedures that they have been unable to report or investigate any possible violations of the Armistice. Since the Czech and Polish members of the NNSC have subscribed to and supported the views of the Senior Member, KPA and CPV, MAC, before making proper investigations of violations to the Armistice Agreement, as requested by the Senior Member of the UNC, MAC, it appears clear that the NNSC has been paralyzed to such a degree that it cannot carry out its pledged obligations as outlined under the terms of the Armistice Agreement. The acceptance of the KPA and CPV views of the letters of 19 January, 27 January, and 12 February, respectively, by the members from Poland and Czechoslovakia, without consideration of the evidence submitted by the UNC, serves to prevent other investigations for substantiated charges of violations of the Armistice Agreement committed by the KPA and CPV.

9. It is obvious that the exercise of the full responsibilities of the NNSC is confined to the area of the UNC. In the territory under the military control of the KPA and the CPV, the NNSC has been unable to conduct investigations as provided for in the Armistice Agreement. The Czech and Polish members of the NNSC, and the Senior Member of the KPA and the CPV, MAC, have obstructed the work of the NNSC to date, and their recent statements appear to preclude the NNSC from ever performing all of its pledged obligations in the future. In view of the outright repudiation by the KPA and CPV of this portion of the Armistice Agreement, and the inability of the NNSC to carry out the obligations charged to it by the same agreement, the UNC considers that its rights as a signatory to the Armistice Agreement have been denied it. There is to date no indication that the NNSC either can or will fulfill, in the area under the military control of the KPA and CPV, the full obligations which its members undertook by accepting office on the NNSC. Neither has the NNSC acknowledged the fact that in prohibiting inspections lawfully requested by the UNC the KPA and CPV have in effect unilaterally abrogated that part of the Armistice Agreement applicable to the functions of the NNSC in the territory under the military control of the KPA and CPV.

108. REQUEST FOR INVESTIGATION OF VIOLATIONS OF THE KOREAN ARMISTICE AGREEMENT: Letter From the Representative of the United Nations Command on the Military Armistice Commission to the Neutral Nations Supervisory Commission, February 21, 1955¹

1. The United Nations Command charges that the Korean Peoples Army and Chinese Peoples Volunteers have between the dates of 27 July 1953 and 5 February 1955 introduced into the territory under the military control of their side combat aircraft of the MIG type,

¹ Department of State *Bulletin*, Mar. 14, 1955, pp. 428-429; see also *ibid.*, pp. 426-428.

arms, and ammunition therefor, in excess of combat aircraft of the MIG type, arms, and ammunition therefor in the territory under the military control of the Korean Peoples Army and Chinese Peoples Volunteers side on 27 July 1953, and have failed to report them in the prescribed manner and form to the Neutral Nations Supervisory Commission, in violation of paragraph 13d and other provisions of the Armistice Agreement. Furthermore, the United Nations Command reports and charges that the above indicated violations occurred at the air installations at: 40° 09' North, 124° 30' East in the vicinity of Ujiu, 39° 57' North, 125° 13' East in the vicinity of Namsi, 39° 54' North, 125° 30' East in the vicinity of Taechon, 39° 01' North, 125° 50' East in the vicinity of Pyongyang East (Mirim-Ni), 39° 12' North, 125° 40' East in the vicinity of Sunan, 39° 24' North, 125° 55' East in the vicinity of Pyong-Ni, all in the territory under the military control of the Korean Peoples Army and Chinese Peoples Volunteers side.

2. Therefore in accordance with the provisions of paragraph 28 of the Armistice Agreement, I, as Senior Member of the United Nations Command component of the Military Armistice Commission, request that the Neutral Nations Supervisory Commission dispatch three mobile Neutral Nations inspection teams to the places indicated above, outside the demilitarized zone, to conduct special observations and inspections under the provisions of paragraphs 41, 42c and 42f of the Armistice Agreement of the illegal introduction of combat aircraft of the MIG type, arms, and ammunition therefor by the Korean Peoples Army and Chinese Peoples Volunteers into the territory under their military control, between the dates 27 July 1953 and 5 February 1955, in excess of those items which were in the territory under the military control of the Korean Peoples Army and Chinese Peoples Volunteers on 27 July 1953 in violation of paragraph 13d of the Armistice Agreement, and a failure to report the same to the Neutral Nations Supervisory Commission in accordance with the requirements of the Armistice Agreement.

3. The United Nations Command is prepared to present photographs and other evidence in support of the above indicated charges.

109. TERMINATION OF THE ACTIVITIES OF THE NEUTRAL NATIONS SUPERVISORY COMMISSION: Aide-Mémoire From the Department of State to the Swedish Embassy at Washington, March 2, 1955¹

Reference is made to the Aide-Mémoire of the Embassy of Sweden (Legation of Switzerland) of January 27, 1955² concerning the desire of the Swedish (Swiss) Government that consideration be given to the termination of the activities of the Neutral Nations Supervisory

¹ Department of State *Bulletin*, Mar. 14, 1955, p. 429. An identical aide-mémoire was also given to the Swiss Minister in Washington.

² Not printed.

Commission, or, failing that, to agreement by the signatories to the Korean Armistice Agreement to a solution comprising a sizeable reduction of the personnel of the four delegations to the Neutral Nations Supervisory Commission. In replying to these proposals, this Government has consulted with its Allies whose forces fought under the United Nations Command to repel the Communist aggression.

The Government of the United States appreciates the difficulties Sweden (Switzerland) is encountering in carrying out a task which the Swedish (Swiss) Government had undertaken on the understanding that the Commission would last for only a limited time. Furthermore, it is aware that obstructionist activities on the part of the Communist side have made it impossible for the Neutral Nations Supervisory Commission to fulfill its responsibilities under the Armistice Agreement. The Government of the United States, therefore, agrees with the Government of Sweden (Switzerland) that the Neutral Nations Supervisory Commission should be abolished.

It is understood, however, that the Chinese Communist reply to the Swedish Aide-Mémoire rejects the liquidation of the Neutral Nations Supervisory Commission which is the solution preferred by the Government of Sweden (Switzerland), but accepts in concept the less preferred alternative of a reduction in the Neutral Nations Supervisory Commission personnel. Despite the current activities undertaken by the Neutral Nations Supervisory Commission at the request of either the United Nations Command side or the Communist side, it is the view of the Government of the United States, primarily because of the consistent history of Communist obstruction, that it is doubtful that any useful purpose would be served by a continuation of the Neutral Nations Supervisory Commission.

The Government of the United States expresses the hope that the Government of Sweden (Switzerland) will conduct its further consultations on the problem on an urgent basis and awaits with interest the results of such consultation.

110. COMMUNIST VIOLATIONS OF THE KOREAN ARMISTICE AGREEMENT: Statement by the Senior United Nations Command Representative on the Military Armistice Commission,¹ July 5, 1955²

A concept basic to the establishment and maintenance of the Armistice in Korea was that the balance which existed between the military forces of the opposing sides on July 27, 1953, would not be altered thereafter by the opposing commanders through the introduction of reinforcing military personnel or combat materiel. Provisions for implementing this basic concept were clearly spelled out in detail in paragraph 13 of the Armistice Agreement.

Shortly after the signing of the Armistice it became apparent to

¹ Maj. Gen. Harlan C. Parks, USAF.

² Department of State *Bulletin*, Aug. 1, 1955, pp. 191-196.

the United Nations Command that the Korean People's Army and the Chinese People's Volunteers were resorting to every possible ruse to avoid compliance with the provisions of paragraphs 13 (c) and (d) of the Armistice Agreement. Whereas the United Nations Command submitted its first combat materiel and personnel report prescribed in paragraphs 13 (c) and (d) of the Armistice Agreement on 28 July 1953, the day following the signing of the Armistice, it was not until 12 September 1953 that your side submitted its first report of rotation personnel and not until 6 October 1953 that you submitted your first combat materiel report. Your first personnel report dated 12 September 1953 instead of reflecting actual arrivals and departures merely listed 964 departures and no arrivals for the 7-week period of 15-16 September 1953. Apparently you would have the United Nations Command and Neutral Nations Supervisory Commission believe that from 28 July to 15 September, with a military force exceeding 1,200,000 men, the majority of whom came from Red China, not one soldier arrived or left Korea during that 7-week period. Your first combat materiel report of 6 October 1953 reflected an outgoing shipment of four 57 mm. anti-tank guns with 20 rounds of ammunition, and it was not until 9 February 1954 that you submitted your first legitimate combat materiel report reflecting an incoming shipment—covering one 37 mm. AA gun. Again, you would apparently have us believe that you could logistically support your large military force in war-torn and ravaged North Korea for the entire first 6 months of the Armistice without a single incoming shipment.

That the United Nations Command has continued scrupulously to comply with provisions of 13 (c) and (d) is reflected in the following figures taken from the official records covering the first year of the Armistice. From 27 July 1953, to 31 July 1954, the United Nations Command submitted 370 personnel reports covering 287,343 permanent arrivals and 362,122 departures. During this same period the Korean People's Army and the Chinese People's Volunteers side submitted only 42 reports covering the ridiculous figures of 12,748 permanent arrivals and 31,201 departures.

The United Nations Command during this period submitted 1,057 combat materiel reports covering the movement of 9,717 combat aircraft, 1,034 armored vehicles, 194,385 weapons, and 386,828,087 rounds of ammunition.

The Korean People's Army and the Chinese People's Volunteer side, on the other hand, submitted only 24 combat materiel reports covering the movement of zero combat aircraft, 14 armored vehicles, 848 weapons, and 746,500 rounds of ammunition.

The United Nations Command established a system and procedures to insure that all incoming and outgoing combat materiel and personnel were shipped only through designated ports of entry and took necessary measures to facilitate free and open inspections of these shipments by the Neutral Nations inspection teams. The Korean People's Army and the Chinese People's Volunteers, on the other hand, established no such system or procedures, failed to use your designated

ports of entry, and resorted to every conceivable pretext to circumvent the provisions of 13 (c) and (d). Attempts by the Swiss and Swedish members of the Neutral Nations Supervisory Commission to carry out their functions of inspection and observation were effectively blocked by the Czechs and Poles.

RELATIVE MERITS OF INSPECTION SYSTEMS

The relative merits of the inspection system established in the South as compared with that established in the North was the subject of considerable discussion and deliberation by the Neutral Nations Supervisory Commission.

In the 107th plenary session of the Neutral Nations Supervisory Commission on 23 February 1954, General Wacker, the Senior Swiss Member, made these observations:

In the South, rotation takes place every day and every hour in all ports of entry with the exception of one, whereas in the North some spare parts are shipped out once a month through one or two ports of entry and then introduced again a few weeks after. I have never heard anything about rotation of aircraft, armored vehicles, or even complete weapons and ammunition in the North. I think we have the right to ask ourselves how it is possible that an army counting several one hundred thousand soldiers can be logistically supported by the amount of material as shown by the figures which are being submitted to us. . . . in the South the teams control . . . all material being brought into Korea—a control which is being carried out, thanks to documents submitted by the local authorities (load manifests, ship manifests) as well as by means of inspections on the spot. I emphasize the fact that in the South these documents and inspections concern non-combat material as well as combat material. In contrast to this, we find that in the North not more than two to four inspections of spare parts of war material have been carried out every month only in the ports of entry of Sinuiju and Manpo.

General Mohn, the Senior Swedish Member of the Neutral Nations Supervisory Commission, observed that,

Gradually the teams in the South secured an insight in the movements of all cargo in their respective ports of entry. The Polish and Czechoslovakian members of the teams were only too eager to inspect all sorts of goods which did not even remotely have any connection with combat material. They were not in the slightest embarrassed by the restrictive interpretation of the armistice agreement apparently held by their principals in Panmunjom. . . . Well, what happened in the North? As we all know, the teams in North Korea had to wait an unusually long time before they found anything to put their teeth in. They wandered about aimlessly in their ports of entry, not knowing exactly what to do.

The airfield situation that existed in the territory under your control at the time the Armistice Agreement was signed is well known by your side as well as ours. All airfields under the control of the Korean People's Army and the Chinese People's Volunteers had been under continuous attack and were inoperative. Photographs taken by the United Nations Command on 27 July 1953 prove that on that date the Korean People's Army and the Chinese People's Volunteers had no Air Force and not one usable airfield. Our side has presented these official photographs to the Neutral Nations Supervisory Commission and the evidence disclosed by them has never been challenged or refuted.

Within a few months after the Armistice Agreement was signed our

air surveillance detected continuously increasing jet aircraft activity in the territory occupied by the Korean People's Army and Chinese People's Volunteers side. Such radar detection was irrefutable proof of your violation of paragraph 13 (d). On 21 September 1953 this evidence was further confirmed when a pilot of a MIG-15 aircraft, Lieutenant Ro Kum Suk, a Korean People's Army and the Chinese People's Volunteers pilot officer who deserted from the Korean People's Army and the Chinese People's Volunteers side, was observed at a Republic of Korea airport and surrendered a MIG-15 combat aircraft which had been illegally introduced into Korean People's Army and the Chinese People's Volunteers territory in defiance of paragraph 13 (d) of the Armistice Agreement. This pilot furnished irrefutable proof that from 27 July 1953 until 21 September 1953 he was engaged in the air movement of MIG-15 aircraft. These combat planes were introduced into the territory under the military control of your side subsequent to the signing of the Armistice Agreement and in direct and willful violation thereof. This pilot had previously observed at least 80 combat aircraft that were brought into the territory of your side contrary to paragraph 13 (d).

ISSUES OF OFFICIAL PROTESTS

Confronted by this serious development and possessed with irrefutable evidence, the United Nations Command, on 12 October 1953, lodged its first official protest against the Korean People's Army and the Chinese People's Volunteers for violating the provisions of paragraph 13 (d) of the Armistice Agreement by the illegal introduction of aircraft into the territory under your control. The United Nations Command requested the Neutral Nations Supervisory Commission to conduct an investigation on an airfield near Uiju, where such aircraft were definitely known to be located. Despite the attempts of the Czech and Pole members on the Neutral Nations Supervisory Commission to forestall this investigation, the Neutral Nations Supervisory Commission finally agreed to dispatch a mobile inspection team, but due to collusion between the Czech and Pole members of the mobile inspection team with the Korean People's Army and the Chinese People's Volunteers military representatives at the scene of investigation, you were successful in thwarting any realistic investigation. Documents requested by the Swiss and Swede members of the team were refused on grounds that they were secret, requests by the Swiss and Swede members to conduct inspections at the railroad station and other shipping points around the Uiju airfield were denied, and visual observations of the Uiju airfield were carefully restricted and controlled to insure that the team would observe no incriminating evidence.

Based upon new and additional evidence of your continued secret aircraft build-up, on 9 February 1954, the United Nations Command lodged its second official protest against your illegal introduction of combat aircraft.¹ A letter was dispatched to the Neutral Nations Supervisory Commission outlining our charges and requesting that the Department of State *Bulletin*, Mar. 14, 1955, pp. 427-428.

mobile inspection teams be dispatched to conduct special observations, inspections, and investigations at the following airfields: Pyong-Ni, Taechon, Pyongyang East, Uiju, Pyongyang Main, Sinuiju Northeast, Wonsan, Saamcham, and Sunan, as well as road and rail by-passes in the vicinity of the ports of entry of Sinuiju, Chongjin and Manpo.

Although the Swiss and Swedish members of the Neutral Nations Supervisory Commission were in favor of dispatching the requested mobile inspection teams, the action was blocked by the veto power of your Polish and Czech comrades, and the investigation was thereby prevented. Previously, General Bures, Czechoslovak, on 29 January 1954, had summed up the attitudes always taken by the Czech and Polish members in regard to United Nations Command requests for investigations when he said, "All accusations against the Korean People's Army and the Chinese People's Volunteers side are nothing but groundless fabrications. . . ." Later, 10 February 1954, Colonel Bibrowski, Polish member, in speaking of a United Nations Command request for a mobile inspection team, states, "The Polish delegation cannot agree to consider such a request and in no case is it ready to comply with it."

From the actions of your side and the actions of your unneutral Czech and Pole representation in the Neutral Nations Supervisory Commission on this and the previous United Nations Command protest it became obvious that any realistic neutral inspection of your illegal activities was virtually impossible. Although the United Nations Command was cognizant throughout the following year of your continued illegal Air Force build-up, it was not until you overtly employed your illegally amassed air power on 5 February 1955 by making an unprovoked attack against United Nations Command aircraft on a routine training mission over international waters that the United Nations Command lodged another protest against your side.¹

In the Military Armistice Commission negotiations on this incident you inadvertently admitted that your own MIG aircraft participated in this air battle. This admission constituted conclusive corroboration of your illegal introduction of combat aircraft, of not making the proper combat materiel reports and of by-passing the designated ports of entry, all in violation of the Armistice Agreement.

The third official protest against your illegal introduction of combat materiel was therefore made by the United Nations Command on 21 February 1955. Again the complaint was spelled out in detail.

The United Nations Command charges that the Korean People's Army and the Chinese People's Volunteers have between the dates of 27 July 1953 and 5 February 1955 introduced into the territory under the military control of their side combat aircraft of the MIG type, arms, and ammunition therefor, in excess of combat aircraft of the MIG type, arms, and ammunition therefor in the territory under the military control of the Korean People's Army and the Chinese People's Volunteers side on 27 July 1953, and have failed to report them in the prescribed manner and form to the Neutral Nations Supervisory Commission, in violation of paragraph 13 (d) and other provisions of the Armistice Agreement.

Again the United Nations Command requested a mobile inspection team investigation of six airfields where your illegally introduced MIG

¹ Department of State *Bulletin*, pp. 426-427.

aircraft were known to be based. Again your Czech and Pole cohorts on the Neutral Nations Supervisory Commission ably represented your side and successfully stalled the dispatch of the mobile inspection teams for one week, enabling you to fly your MIG's away from the bases to be investigated and otherwise remove or hide incriminating evidence. That most of your MIG's were flown out was irrefutably established by our radar surveillance. When the mobile inspection teams reached your airfields, every effort of the Swiss and Swede members to make full and impartial investigations was thwarted by the Czech and Polish members, just as they had thwarted the investigation of Uiju in October 1953. Although the official reports submitted by these teams reveal that at least 88 MIG's were observed on those fields, the Czechs and Poles vetoed requests by the Swiss and Swedes for available documents which could have established the dates when those aircraft were brought into the territory under your control. It is significant to note that these documents were the same type documents that were freely offered by the United Nations Command side to mobile inspection teams operating in the South.

On 10 May 1955 again your illegally introduced aircraft made an unprovoked attack against United Nations Command aircraft on a routine training mission over international waters. On 13 May 1955 the United Nations Command lodged a strong letter of protest against the Korean People's Army and the Chinese People's Volunteers for this hostile act¹ and for the fourth time charged your side with illegally introducing combat aircraft in violation of the Armistice Agreement.

An analysis of the official reports submitted by the United Nations Command and the Korean People's Army and the Chinese People's Volunteers covering combat materiel shipments for the period 28 July 1953 to 31 May 1955, reflects the following:

The United Nations Command has submitted 1,969 combat materiel reports, covering movement of 16,141 combat aircraft, 2,492 armored vehicles, 447,803 weapons, and 608,386,231 rounds of ammunition.

The Korean People's Army and the Chinese People's Volunteers has submitted 162 combat materiel reports, covering the movement of zero combat aircraft, 245 armored vehicles, 144,808 weapons, and 50,674,619 rounds of ammunition. I repeat, in the first 22 months of the Armistice, despite the fact that you have twice openly employed your illegally acquired combat aircraft in large numbers in hostile and unwarranted attacks against the United Nations Command, your side has not yet submitted the report covering the movement of combat aircraft in or out of Korea.

EVIDENCE PROVIDED BY DEFECTORS

At approximately 1315 hours 21 June 1955, Senior Lieutenant Lee Un Yong, pilot, and Junior Lieutenant Lee In Son, navigator, both members of the Korean People's Armed Forces Air Force, after de-

¹ *Ibid.*, May 30, 1955, p. 891.

fecting from your side and leaving Pyongyang Main airfield, landed at Seoul airbase and surrendered a YAK-18 aircraft to our side. These men have also surrendered themselves and have asked for asylum from the tyranny and abuse they suffered under your control. This has been granted. Moreover, they have offered to make their full contribution toward the defeat of your iniquitous conspiracy.

Your side will recognize their names. They are men who have held positions of high trust and responsibility in your forces. Senior Lieutenant Lee, the pilot, had served 8 years and 6 months in your armed forces. He graduated from the Air Academy in Chkalov, U. S. S. R., and the Air Officers' School in Yenchi, Manchuria. Your side has rewarded him with the 3d Class Order of the National Flag Medal, 2d Class Order of the National Flag Medal, 2d Class Freedom and Independence Medal, Air Merit Medal. Senior Lieutenant Lee was a member of the Korean People's Armed Forces Air Force, 858th Independent Night-Bomber Regiment.

Junior Lieutenant Lee In Son has served in your forces for 4 years and 9 months. His services have been rewarded by the presentation of the Merit Medal. He was a member of the Korean People's Armed Forces Air Force, 858th Independent Night-Bomber Regiment.

Senior Lieutenant Lee, the pilot of the YAK-18 aircraft, was stationed at Pyongyang Main airfield from July 1953 until September 1954 and again from February 1955 until 21 June 1955, the date of his defection. The navigator was at Pyongyang Main from July of 1953 until his defection with Senior Lieutenant Lee on 21 June 1955. Both men had made frequent and regular flights to other principal bases used by your air forces. Consequently both men were well informed on the airfield development in North Korea, and the strength, composition, deployment, and operations of your illegally established Air Force.

I now present you with the evidence provided freely and voluntarily to our side by these two former members of your Air Force:

1. The YAK-18 aircraft which Senior Lieutenant Lee and Junior Lieutenant Lee flew from Pyongyang Main to Seoul on 21 June 1955 bears serial number 8715. The YAK-18 is fitted with one underwing bomb rack under each wing, and each rack is capable of carrying a 100 kilogram bomb. Senior Lieutenant Lee stated that while stationed at Antung, Manchuria, he flew aircraft of this type in night bombing combat operations from October 1951, to March 1952, and that he has flown 600 hours in this type of aircraft, of which 200 hours were in combat. The YAK-18 in which the defectors came to Seoul is a combat aircraft as defined by the Military Armistice Commission; it was brought to Korea in April, 1954, in direct violation of paragraph 13 (d).

2. Although we know, and our photographs taken on 27 July 1953 prove that at the time of the Armistice Agreement there were no airfields in the territory under your command capable of supporting combat aircraft, these defectors have stated that Uiju, Sunan, Sunchon, Pyongyang East (Mirin-Ni) and Onkong-Ni, have been restored to full operation and are supporting combat aircraft. Our

our tracks have verified the flying activity at these fields. The defectors also stated that more fields are being built to support the flying strength of the Korean People's Armed Forces Air Force. This is further evidence of your expanding Air Force strength.

The two defectors were stationed at Pyongyang in March, 1955 during the period mobile inspection teams 6, 7, and 8 were conducting their investigations. Senior Lieutenant Lee and Junior Lieutenant provided specific information on steps your side took to remove, disguise and conceal incriminating evidence during the mobile inspection team investigations. Among the ruses employed by your side are the following:

1. Your side flew many combat aircraft away from the inspected airfields.

2. Your side hid combat aircraft in ravines in the hills in the vicinity of the airfields and camouflaged them.

3. Your side dismantled some of the aircraft and concealed them.

4. Your side stationed heavy guards about the hiding places and prevented inspection of these areas by the mobile inspection teams.

5. Your side arbitrarily reduced the boundaries of the airfields, thereby restricting the scope of the mobile inspection team inspection.

6. Your side prepared false testimony by long, detailed coaching of probable witnesses and by substituting politically indoctrinated lower ranking officers for lower ranking officers by switching insignias.

7. Your side delayed the assembly of newly arrived combat aircraft at Taechon by leaving them in their crates until the mobile inspection team investigations were completed. Senior Lieutenant Lee, who is Russian, noticed the wording "Kiev Aircraft Factory" on tags attached to one of his unit's combat aircraft. This aircraft's log book showed that the plane left the Russian factory in March 1955.

The defectors have also stated that since the signing of the Armistice Agreement the illegal build-up of the Korean People's Armed Forces Air Force has been taking place, so that at the present time there are more than 300 combat aircraft, the majority of which are jet fighters of the MIG-15 type. This has also been confirmed by our radar and by the incidents where our aircraft have been intercepted over international waters by Korean People's Armed Forces Air Force fighters.

The two defectors confirmed the fact that the MIG-15 jet fighters, which attacked United Nations planes over international waters on the 5th of February, 1955, and on the 10th of May, 1955, came from bases in the territory under the military control of your side and that these MIG aircraft belonged to your air forces.

OF CHARGES

The information provided our side by your two most recent defectors merely served to confirm existing evidence and provide another link in the long chain the United Nations Command has constructed to irrefutably prove your illegal Air Force build-up.

I have presented to you today the official record of your continuous and numerous violations of paragraph 13 (d), paragraph 17, and other fundamental provisions of the Armistice Agreement, throughout the Armistice period. It stands as monumental evidence to the United Nations Command and the free world of your complete insincerity, dishonesty, and utter lack of integrity. The combat forces, and particularly the air forces, that you have built up illegally and covertly since the signing of the Armistice, constitute a grave situation which threatens seriously the very structure and stability of the Armistice itself.

The United Nations Command, at this time, lodges the strongest and most serious protest made against your side since the signing of the Armistice and charges that, through your willful, deliberate and illegal build-up of your combat forces, you have:

1. Flagrantly violated every basic provision of the Armistice Agreement, including the spirit and intent of that document.
2. Clearly demonstrated your aggressive intent of acquiring a favorable military position over the forces of the United Nations Command.

The United Nations Command demands that:

1. You provide the United Nations Command, without delay, an accurate accounting of all combat materiel and combat aircraft introduced into the territory of your side since the signing of the Armistice.
2. You immediately provide the Neutral Nations Supervisory Commission with corrected combat materiel reports which reflect the mass of combat materiel and hundreds of aircraft you have illegally introduced into Korea.
3. You cease immediately the illegal introduction of additional combat materiel and combat aircraft into the territory of your side.

We have listened since last summer to the soothing music of your peaceful propaganda and your expressions for a free and independent united Korea, while at the same time contending with your continued willful and flagrant violations of the Armistice Agreement, your hostile and aggressive actions, and your murderous and inhumane atrocities. The time has come to demand that the powers who are directing your iniquitous activities start trying to reconcile your Dr. Jekyll with your Mr. Hyde.

**J. RELATIONS BETWEEN THE UNITED STATES
AND THE REPUBLIC OF KOREA RESPECTING
POLITICAL, ECONOMIC, AND MILITARY MAT-
TERS, 1953-1955**

**111. UNITED STATES POLICY IN KOREA: Letter From the Presi-
dent of the United States to the President of the Republic of Korea,
June 6, 1953¹**

DEAR MR. PRESIDENT:

I received on June 2 the cabled text of your communication dated May 30.² I have given it the careful and sympathetic consideration it deserves.

The Republic of Korea has engaged all of its resources, human and material, in a struggle which will go down in history as one of the epic struggles of all time. You have dedicated your all without reservation to the principle that human liberty and national liberty must survive against Communist aggression, which tramples upon human dignity and which replaces national sovereignty with a humiliating satellite status. The principles for which your nation has fought and for which so many of your youth have died are principles which defend free men and free nations everywhere.

The United States has stood with you, and with you we have fought for those principles, as part of the United Nations Command. The blood of your youth and our youth has been poured out on the altar of common sacrifice. Thereby we have demonstrated not only our dedication to the cause of human freedom and political liberty, but also our dedication to an equally important principle which is that there cannot be independence without interdependence, and there cannot be human liberty except as men recognize that they are bound together by ties of common destiny.

The moment has now come when we must decide whether to carry on by warfare a struggle for the unification of Korea or whether to pursue this goal by political and other methods.

The enemy has proposed an armistice which involves a clear abandonment of the fruits of aggression. The armistice would leave the Republic of Korea in undisputed possession of substantially the territory which the Republic administered prior to the aggression, indeed this territory will be somewhat enlarged.

The proposed armistice, true to the principle of political asylum, assures that the thousands of North Koreans and Communist Chinese prisoners in our hands, who have seen liberty and who wish to share it, will have the opportunity to do so and will not be forcibly sent back into Communist areas. The principle of political asylum is one which we could not honorably surrender even though we thereby put an

¹ Department of State *Bulletin*, June 15, 1953, pp. 835-836.

² Not printed.

earlier end to our own human and material losses. We have suffered together many thousands of casualties in support of this principle.

It is my profound conviction that under these circumstances acceptance of the armistice is required of the United Nations and the Republic of Korea. We would not be justified in prolonging the war with all the misery that it involves in the hope of achieving, by force, the unification of Korea.

The unification of Korea is an end to which the United States is committed, not once but many times, through its World War II declarations and through its acceptance of the principles enunciated in reference to Korea by the United Nations. Korea is unhappily not the only country which remains divided after World War II. We remain determined to play our part in achieving the political union of all countries so divided. But we do not intend to employ war as an instrument to accomplish the world-wide political settlements to which we are dedicated and which we believe to be just. It was indeed a crime that those who attacked from the North invoked violence to unite Korea under their rule. Not only as your official friend but as a personal friend I urge that your country not embark upon a similar course.

There are three major points I would like to make to you:

1. The United States will not renounce its efforts by all peaceful means to effect the unification of Korea. Also as a member of the United Nations we shall seek to assure that the United Nations continues steadfast in its determination in this respect. In the political conference which will follow an armistice that will be our central objective. The United States intends to consult with your Government both before and during such a conference and expects the full participation of your Government in that conference.

2. You speak of a mutual defense pact. I am prepared promptly after the conclusion and acceptance of an armistice to negotiate with you a mutual defense treaty along the lines of the treaties heretofore made between the United States and the Republic of the Philippines, and the United States and Australia and New Zealand.¹ You may recall that both of these treaties speak of "the development of a more comprehensive system of regional security in the Pacific area." A security pact between the United States and the Republic of Korea would be a further step in that direction. It would cover the territory now or hereafter brought peacefully under the administration of the ROK. Of course you realize that under our constitutional system, any such treaty would be made only with the advice and consent of the Senate. However, the action which the United States has heretofore taken, and the great investment of blood and treasure which has already been made for the independence of Korea are certainly clear indications of American temper and intentions not to tolerate a repetition of unprovoked aggression.

3. The United States Government, subject to requisite Congress-

¹ For text of the Mutual Defense Treaty between the United States and the Republic of Korea of Oct. 1, 1953, see *supra*, pp. 897-898.

sional appropriations, will be prepared to continue economic aid to the Republic of Korea which will permit in peace a restoration of its devastated land. Homes must be rebuilt. Industries must be reestablished. Agriculture must be made vigorously productive.

The preamble of the Constitution of the United States states the goals of our people, which I believe are equally the goals of the brave people of Korea, namely "to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty." Manifestly, not all of these conditions now prevail in Korea. Moreover, in existing circumstances they cannot be achieved either by prolongation of the present conflict or by reckless adventure with a new one. Only by peaceful means can these things be achieved.

With the conclusion of an armistice the United States is prepared to join with the Republic of Korea to seek for Korea these ends. We believe that in Korea there should be a more perfect union and, as I say, we shall seek to achieve that union by all peaceful methods. We believe that there should be domestic tranquillity and that can come from the end of fighting. There should be provision for the defense of Korea. That will come from the mutual security treaty which we are prepared to make. The general welfare should be advanced and that will come from your own peacetime efforts and from economic assistance to your war-torn land. Finally, a peaceful settlement will afford the best opportunity to bring to your people the blessings of liberty.

I assure you, Mr. President, that so far as the United States is concerned, it is our desire to go forward in fellowship with the Republic of Korea. Even the thought of a separation at this critical hour would be a tragedy. We must remain united.¹

112. SUMMARY OF A REPORT OF THE PRESIDENT'S SPECIAL REPRESENTATIVE² FOR KOREAN ECONOMIC AFFAIRS, JUNE 15, 1953 (Excerpt)³

Pursuant to a recommendation of the National Security Council, President Eisenhower on April 9, 1953, appointed Henry J. Tasca as special representative of the President for Korean Economic Affairs and requested that he head a mission to investigate ways and means of strengthening the Korean economy.⁴ The President directed that the mission's recommendations include the amounts and types of U.S. assistance desirable in support of the Korean economy; proposals as to the manner in which the United States and the United Nations can best be assured that any resources they may contribute are utilized in the

¹ For the reply (June 19, 1953) of the President of the Republic of Korea to this letter, see Department of State *Bulletin*, July 6, 1953, pp. 13-14.

² Henry J. Tasca.

³ Department of State *Bulletin*, Sept. 7, 1953, p. 313.

⁴ See *ibid.*, Apr. 20, 1953, p. 576.

most efficient manner possible; and the formulation of measures to be adopted to insure the coordination of all economic programs in Korea. The results of the mission's investigation are embodied in this report.

The mission arrived in Korea on April 17, 1953, and headquarters were established in Pusan. A series of meetings was held with U.N. Command agencies in Korea, with the U.N. Korean Reconstruction Agency, with each of the Ministries of the Republic of Korea, with the chairmen of National Assembly Committees, and with the Korean Chamber of Commerce. Each of the above prepared extensive material on the Korean economy for consideration by the mission. In addition, the special representative visited most of the important industrial plants and agricultural and mining areas in South Korea including Seoul, the capital.

In developing its plan the mission has examined in detail the economic support requirements of the Korean defense forces and the consumption requirements of the Republic of Korea (Rok) as well as production and investment possibilities and programs in all sectors. The report assumed, in this connection, that an armistice would be negotiated at the beginning of the reconstruction period.

The mission's major recommendations are:

1. The United States should institute a new program of defense support, relief, and reconstruction in Korea, of 4 or 5 years' duration, which it is anticipated will require a substantial amount in external assistance.

2. The new program would not replace the U.N. Korean Reconstruction Agency (UNKRA) program but would be coordinated with it, nor would it replace Civilian Relief in Korea (CRİK), the emergency relief program of the Department of the Army in Korea.

3. Funds for the new program should be sought through the Mutual Security Agency (MSA) or its successor.

4. Consistent with the expanded economic aid program, the Rok Government should initiate certain basic changes in its financial structure, aimed at such goals as balancing the Government budget, establishing and maintaining a uniform exchange rate, strengthening the currency, and making credit controls more effective.

5. Technical and professional skills of the Korean people should be developed as rapidly as possible.

6. A new agreement governing aid from the United States should be negotiated with the Rok Government.

[MUTUAL DEFENSE TREATY BETWEEN THE UNITED STATES
AND THE REPUBLIC OF KOREA, OCTOBER 1, 1953]¹

¹*Supra*, pp. 897-898.

113. REDUCTION OF UNITED STATES FORCES IN KOREA: Statement by the President, December 26, 1953¹

The fighting in Korea was ended by an armistice which has now been in effect for 5 months. We do not need as much ground strength there now as when there was fighting. That is the more true because of the capabilities of ROK [Republic of Korea] forces which were substantially built up during the war. Also our growing national air power possesses greater mobility and greater striking force than ever before.

Accordingly I have directed that the United States ground forces in Korea be progressively reduced as circumstances warrant. As an initial step, two Army divisions will soon be withdrawn and returned to the United States. While the United States is acting in good faith to preserve the armistice and accomplish its purposes, we remain alert to all possibilities. Therefore, I emphasize that the action being taken does not impair our readiness and capacity to react in a way which should deter aggression and, if aggression should nevertheless occur, to oppose it with even greater effect than heretofore.

Recently the United Nations members which had forces in Korea clearly stated that, together, we would be united and prompt to resist any renewal of armed attack.² The same statement pointed out that "the consequences of such a breach of the armistice would be so grave that, in all probability, it would not be possible to confine hostilities within the frontiers of Korea."

The United States military forces in the Far East will be maintained at appropriate levels to take account of the foregoing and to fulfill the commitments which the United States has undertaken in that area, and which are vital to the security of the United States. These forces will feature highly mobile naval, air, and amphibious units.

Thus, we move forward in pursuance of our broad policy to make evident to all the world that we ourselves have no aggressive intentions and that we are resourceful and vigilant to find ways to reduce the burdens of armament and to promote a climate of peace.

114. EXCHANGE OF VIEWS WITH RESPECT TO KOREAN DEVELOPMENTS: Joint Statement Issued at Washington by the President of the United States and the President of the Republic of Korea, July 30, 1954³

We have had a fruitful and cordial exchange of views on a number of matters of mutual concern. These conversations have strengthened the friendship existing between our two countries and are a further demonstration of our solidarity of purpose.

¹ Department of State *Bulletin*, Jan. 4, 1954, p. 14. For a statement on this subject by the Secretary of State, see *ibid.*, Jan. 11, 1954, pp. 42-43.

² See Sixteen-Nation Declaration on Korea Issued at Washington, July 27, 1953; *supra*, p. 2662.

³ Department of State *Bulletin*, Aug. 9, 1954, p. 197.

On August 8, 1953, President Rhee and Secretary Dulles agreed that the United States and the Republic of Korea would again consult if the political conference envisaged in the Armistice of July 27, 1953 failed to produce a satisfactory settlement.¹ This conference was held at Geneva from April 26 to June 15, 1954, but at that meeting the Communists refused to accept any formula for the unification of Korea on the basis of genuinely free elections under U.N. supervision and instead continued to press for arrangements which would have led directly and inevitably to extinguishing the liberties of the Korean people.²

We reaffirm our intention to move forward, in accordance with the Charter of the United Nations and the resolutions of the General Assembly on Korea, to achieve a unified, democratic, and independent Korea. In view of the failure of the Conference at Geneva to reach a settlement of the Korean question, we have discussed means for continuing to seek this objective.

Our military and economic advisers will continue with more detailed discussions of the questions of common interest which concern them.

In conclusion, we reiterate our determination to continue to work together in close and reciprocal cooperation to attain our common objectives regarding Korea.

115. UNITED STATES-KOREAN COOPERATION: Agreed Minute Between the United States and the Republic of Korea, November 17, 1954³

It is in the mutual interest of the United States and the Republic of Korea to continue the close cooperation which has proved mutually beneficial and has played such an important part in the Free World's struggle against Communist aggression and its determination to remain free.

Accordingly,

It is the intention and policy of the Republic of Korea to:

1. Cooperate with the United States in its efforts to unify Korea, including possible efforts through the United Nations to secure this objective;

2. Retain Republic of Korea forces under the operational control of the United Nations Command while that Command has responsibilities for the defense of the Republic of Korea, unless after consultation it is agreed that our mutual and individual interests would best be served by a change;

3. Accept the force levels and principles set forth in Appendix B⁴

¹ See *supra*, doc. 84.

² See *supra*, doc. 92.

³ Department of State *Bulletin*, Nov. 29, 1954, pp. 810-811; see also *ibid.*, pp. 809-810. Initialed at Seoul by Korean Prime Minister Pyun Yang-tai and American Ambassador Ellis O. Briggs.

⁴ Not printed.

which will permit the maintenance of an effective military program consistent with economic stability and within available resources;

4. Continue to encourage private ownership of investment projects;

5. Cooperate in procedures for administration of United States aid funds consistent with United States legislation and the practices applied generally in such programs;

6. Take the necessary measures to make the economic program effective, including those set forth in Appendix A.

Based upon the conditions which the Republic of Korea declares it will create, it is the intention and policy of the United States to:

1. Continue its program of helping to strengthen the Republic of Korea politically, economically and militarily, with programmed economic aid and direct military assistance furnished during Fiscal Year 1955 to aggregate up to \$700 million. This amount would exceed by more than \$100 million the amount of assistance previously contemplated by the United States for Korea in Fiscal Year 1955. Of this total, programmed economic aid, including the CRIK [Civil Relief in Korea]¹ carryover and the United States contribution to UNKRA [United Nations Korean Reconstruction Agency],¹ available for obligation in Fiscal Year 1955 would amount to approximately \$280 million (actual expenditures in Fiscal Year 1955 are estimated at approximately \$250 million);

2. Support a strengthened Republic of Korea military establishment as outlined in Appendix B, including the development of a reserve system, in accordance with arrangements to be worked out by appropriate military representatives of the two Governments.

3. Consult fully with appropriate military representatives of the Republic of Korea in the implementation of the program for support of the Republic of Korea military establishment.

4. In the event of an unprovoked attack upon the Republic of Korea to employ, in accordance with its constitutional processes, its military power against the aggressor;

5. Subject to the necessary Congressional authorizations, continue to press forward with the economic program for the rehabilitation of Korea.

Appendix A: Measures for an Effective Economic Program

The Republic of Korea will undertake the necessary measures to make the economic program effective, including:

1. with respect to exchange rates, the official rate of the Republic of Korea Government and the counterpart rate being 180 to 1, agreement to procedures as proposed by the United States for the conversion of dollars at a different and realistic exchange rate to cover hwan drawings of United States forces by sale of dollars through the Bank of Korea, and generally to price aid goods into the Korean economy at a similar rate, thereby providing for the maximum contribution to

¹ Brackets inserted in original document.

the Korean economy and to the Korean budget from the use of these resources. The operation of existing agreements with respect to hwan drawings by the United States will be suspended so long as the foregoing arrangements work out in practice to the mutual satisfaction of both Governments;

2. agreement that material for the aid program—not furnished from the United States in kind—will be procured wherever in non-Communist countries goods of the required quality can be obtained at the best price (it being the objective to perform the maximum possible procurement in Korea at competitive world prices);

3. provision of adequate information to the appropriate United States representatives concerning Korean plans for the use of their own foreign exchange; and

4. a realistic effort to balance its budget and continue to resist inflation (it will be the objective of both Governments to develop the budget of the Republic of Korea in a manner that will resist inflation).

116. TERMINATION OF COMBATANT ACTIVITIES IN THE AREA OF KOREA AS OF FEBRUARY 1, 1955: Executive Order 10585, January 1, 1955¹

DESIGNATING THE DATE OF TERMINATION OF COMBATANT ACTIVITIES IN KOREA AND WATERS ADJACENT THERETO

By virtue of the authority vested in me by section 112 (c) (3) of the Internal Revenue Code of 1954,² January 31, 1955, as of midnight thereof, is hereby designated as the date of termination of combatant activities in the zone comprised of the area described in Executive Order No. 10195 of December 20, 1950³ (15 F. R. 9177).

117. ECONOMIC AND MILITARY DISCUSSIONS: Joint Communiqué Issued at Washington by the Governments of the United States and the Republic of Korea, August 15, 1955⁴

Economic and military discussions between the Government of the Republic of Korea and the Government of the United States which have taken place in Washington for the last several weeks have been concluded.

The military discussions covered a wide range of aid and supply matters. On the economic side the talks focused on exchange rate problems and related subjects, including discussion of the steps each government should take to speed up the reconstruction and rehabilitation program which is designed to enable Korea to become self-

¹ 20 Fed. Reg. 17.

² 66A Stat.

³ *Supra*, p. 2596.

⁴ Department of State *Bulletin*, Aug. 29, 1955, p. 356.

supporting with a stabilized economy as rapidly as possible. There was an extensive exchange of information and a fruitful joint appraisal of those aspects of the Korean economy which affect its future stability.

As an outgrowth of these discussions between the two governments, the Republic of Korea announced its intention to establish the rate of exchange between the Korean hwan and the U.S. dollar at 500 hwan to one U.S. dollar. This rate will be applicable to the foreign exchange transactions of the Government of the Republic of Korea, to purchases of hwan by the U.S. Forces in Korea, and with certain limited exceptions to U.S. aid furnished in the form of imports into Korea. The Government of the United States will cooperate with the Government of Korea in its efforts to prevent further inflation and to develop a stabilized economic situation within the limits of resources made available for this purpose.

As with other questions related to the United States aid program to Korea, further consideration will be given in Seoul to those matters that have been discussed here which have continuing interest.

The two Governments have welcomed this opportunity to exchange views and reach understandings in a spirit of friendly cooperation on a wide range of topics important to the achievement of mutual objectives.

118. MONETARY STABILIZATION: Amendment to Appendix A of Agreed Minute of November 14, 1954, Between the United States and the Republic of Korea, August 15, 1955¹

Effective August 15, 1955, paragraph 1 of Appendix A of the Agreed Minute between the Governments of the United States of America and the Republic of Korea signed November 17, 1954,² is amended as follows:

The official exchange rate of 500 hwan to 1 United States dollar which is to be established by the Republic of Korea on August 15, 1955 as the rate for all foreign exchange transactions of the Government of the Republic of Korea and its agencies, will be applicable to United States aid furnished for the importation of goods and services into Korea except the following: (a) coal of United States origin which will be priced during the fiscal year ending June 30, 1956 at a rate not less than 40 percent of the official rate; (b) fertilizer which will be priced immediately at a rate not less than 50 percent of the official rate, to be increased to the official rate not later than January 1, 1956; (c) investment type commodities for non-revenue producing projects; and (d) relief supplies. Investment type commodities for revenue producing projects will be priced at the official rate unless the Combined Economic Board recommends a reduction either through differential exchange rates or subsidies.

The official rate will apply to purchases of hwan by the United States Forces in Korea.

¹ Department of State *Bulletin*, Aug. 29, 1955, pp. 356-357.

² *Supra*.

The Government of the United States of America will cooperate with the Government of the Republic of Korea in its efforts to develop a stabilized economic situation in Korea within the limits of resources made available for this purpose. In this regard both Governments will pay particular attention to the objectives of expeditious action leading to the speedy implementation of the aid program.

Arrangements existing prior to the effective date of this amendment to Appendix A of the Agreed Minute of November 17, 1954 with respect to acquisition of hwan by the United States including those arrangements authorized by the original paragraph 1 of Appendix A of the said Agreed Minute will be suspended as long as the foregoing arrangements work out in practice to the mutual satisfaction of both Governments.

Part XVI

DISARMAMENT AND THE CONTROL OF ATOMIC ENERGY

A. THE PROBLEM OF CONVENTIONAL ARMAMENTS, 1950

1. BASIC PRINCIPLES OF INTERNATIONAL SAFEGUARDS: Paper Submitted by the United States Delegation to the Working Committee of the United Nations Commission for Conventional Armaments, May 13, 1950¹

Item 3 of the Plan of Work² of the Commission for Conventional Armaments provides for: "Consideration of practical and effective safeguards by means of an international system of control operating through special organs (and by other means) to protect complying States against the hazards of violations and evasions." The following is a general outline of the views of the United States which will be elaborated as the Working Committee proceeds with its consideration of this subject.

I. The Objective of Safeguards

- A. To ensure that nations fulfil their responsibilities and obligations as prescribed in the treaty for the regulation and reduction of conventional armaments and armed forces, and so to protect complying States against the hazards of violations and evasions;

II. The Nature of Safeguards

- A. The system of safeguards should be so devised that its operations will be effective, technically feasible and practicable, and will:
 - (a) give warning of the likelihood of violations,

¹ U.N. doc. S/C.3/SC.3/23, May 13, 1950. The Commission for Conventional Armaments, responsible to the Security Council, was established by Security Council resolution of Feb. 13, 1947. For text of this resolution and earlier documents on the reduction of conventional armaments, see *A Decade of American Foreign Policy*, pp. 1136-1143.

² U.N. doc. S/387/Annex A.

- (b) detect promptly the occurrence of violations,
- (c) minimize interference with and impose minimum burdens on the economic and industrial life of the signatory States.

III. The Basic Elements Constituting Safeguards

- A. Accurate and regular reports by all signatory States of such information related to conventional armaments and armed forces as may be required by the treaty,
- B. Verification of the above-mentioned reports by thorough international inspection procedures,
- C. Remedial action in the case of violation of the treaty;

IV. The International Agency Responsible for Safeguards

- A. An international agency should be established within the framework of the United Nations, deriving its powers and status from the treaty under which it is established, to supervise and administer the agreed system of safeguards in connection with the regulation and reduction of conventional armaments,
- B. The international agency should consist of a governing board, an inspection corps and secretariat,
- C. The governing board should be composed of representatives from each of the States which are members of the Security Council, the nonpermanent membership changing in conformity with elections to and retirement from the Security Council,
- D. The inspection corps should be composed of members drawn from panels nominated by each participating State. The size and composition of the inspecting teams drawn from this corps and utilized in particular instances should be determined by the governing board,
- E. Such secretariat as may be needed should be selected by the governing board,
- F. The decisions made by the international agency should not require unanimity;

V. Rights and Duties of the Agency

- A. Receiving from each signatory State the reports specified in the treaty,
- B. Verification of this information through direct inspections,
- C. Review and interpretation of data derived from reports and inspections,
- D. Preparation and publication of periodic and special reports to organs of the United Nations and to the signatory States,
- E. The inspection and verification process as applied to each State should be made by nationals of States other than the State being inspected. However, the State being inspected should be obliged to appoint a liaison officer to assist and accompany the inspection group representing the international agency,

- F. Individual members and national composition of the inspection teams should be varied periodically,
- G. The international agency and its representatives should have no authority to issue directions to signatory States except as may be provided in the treaty under which it is established,
- H. Inspection and verification should be conducted on a regular basis with reasonable advance notice which should be set forth in the treaty. However, special inspections may take place under such circumstances as may be specified in the treaty,
- I. Certification to the Security Council and to signatory States of violations or evasions;

VI. Rights and Duties of Signatory States

- A. Each signatory State should afford duly accredited representatives of the agency unimpeded rights of ingress to and egress from, and movement within its territories necessary to the performance of their duties; should aid and assist them in the performance of their duties, should provide access to the activities subject to inspection, and should arrange for the full co-operation of national or local authorities or private individuals,
- B. The treaty should set forth the nature and scope of the inspection and verification processes to be followed by the international agency in order that all participating States may be aware of their rights and obligations;

VII. Action to be Taken upon the Determination of a Violation

- A. The international agency should be responsible for the prompt referral with certification of facts to the Security Council and to the signatory States of the agency's findings in respect to violations or evasions of the treaty,
- B. Such certification may be accompanied by such recommendations in respect of any violations or evasions cited as the international agency may deem appropriate,
- C. Action in respect of any violation or evasion should be primarily the responsibility of the Security Council. The treaty should provide that, since the purpose of the system of safeguards is to protect complying States against the hazards of violations, failure by the Security Council to correct violations or otherwise enforce the treaty should relieve participating States from their obligations thereunder and permit them such freedom of unilateral or collective action as is consistent with the Charter of the United Nations.

2. PROPOSED CONVENTIONAL ARMAMENTS ADMINISTRATION: Paper Submitted by the United States Delegation to the Working Committee of the United Nations Commission for Conventional Armaments, June 22, 1950¹

I. *Conventional Armaments Administration (CAA)*

Establishment. A United Nations Conventional Armaments Administration should be created at the seat of the United Nations to supervise and administer the general system for the regulation and reduction of conventional armaments and armed forces. The Administration should derive its powers and status from the treaty or convention setting up the international system for the regulation and reduction of conventional armaments and armed forces.

Composition. In order that the Conventional Armaments Administration will be broadly representative of the States participating in the system, but limited in size in the interest of efficient operations, it should be composed of a representative from each of the States which are members of the Security Council, the non-permanent membership changing in conformity with elections to and retirement from the Security Council.

To facilitate its operations, the Administration should be authorized, in the treaty or convention which creates it, to establish regional branches. Each participating State should be obliged by the treaty or convention to designate a national agency to supervise the execution of its obligations with respect to conventional armaments and to assist the Conventional Armaments Administration in its work.

The Administration should be empowered to employ the personnel requisite to carrying out its functions. This personnel should be recruited on the basis of character and technical competence, due allowance being made for equitable geographical distribution.

Functions. The Conventional Armaments Administration should be responsible for:

- (1) Receiving from each participating State the reports specified in the treaty or convention establishing the system;
- (2) Verification of this information through investigation and direct inspections;
- (3) Review and interpretation of data derived from reports and inspections;
- (4) Preparation of periodic and special reports on conventional armaments and armed forces to organs of the United Nations and to the participating States;
- (5) Immediate certification to the Security Council and to participating States of violations or evasions.

Procedure. The treaty or convention which establishes the system for the regulation of armaments should stipulate that decisions made by the Administration within its defined functions do not require

¹ U.N. doc. S/C.3/SC.3/24, June 22, 1950.

unanimity. Except for this provision and others which may be adopted in the treaty or convention, the Administration should adopt its own rules of procedure. It should also be authorized to issue administrative regulations and to enter into *ad hoc* agreements necessary to the discharge of its responsibilities.

Inspections. The Conventional Armaments Administration should be required to conduct such inspections as are necessary to the fulfillment of its functions.

The treaty or convention setting up the system should stipulate the objectives to be achieved by the inspections. There should then be stipulated the types of inspections to be conducted as a matter of routine.

It is further considered most desirable that practically all inspections will be scheduled in advance, and that they will be identical in character for Powers of similar strength.

Each individual inspection should be conducted by an inspection team the size and composition of which should be determined by the Conventional Armaments Administration with due regard to the following:

- (1) Each member of the Administration should be entitled, but not required, to have a representative on each inspecting team, except where a member of the Administration is itself being inspected. The State being inspected should be obliged to appoint a liaison officer to accompany the inspection team;
- (2) Each participating State should nominate as many inspectors as the Administration may require it to furnish, and these nominees should form a permanent roster from which inspection teams should be selected as needed;

Each inspection team should have at its disposal a staff composed of personnel of the international secretariat of the Conventional Armaments Administration.

II. *Relationships of the Conventional Armaments Administration to Organs of the United Nations*

To the Security Council. Since every aspect of the regulation and reduction of armaments is associated with the maintenance of international peace and security, every aspect of the work of the Conventional Armaments Administration is to some extent related to the Security Council. However, in order to provide the Security Council with a basis for taking appropriate action, the following specific relationships should be established in the treaty or convention for the regulation and reduction of armaments:

- (a) Violations or evasions should be immediately certified to the Security Council by the Conventional Armaments Administration;
- (b) The Conventional Armaments Administration should submit to the Security Council regular reports at stated intervals and special reports as required.

The relation of the Conventional Armaments Administration to the Military Staff Committee should be defined by the Security Council as circumstances require.

To the General Assembly. Under the Charter (Articles 10-12) the General Assembly has broad authority to consider and make recommendations concerning the principles governing disarmament and the regulation of armaments. In order to assist the Assembly in the exercise of this function, the treaty or convention for the regulation and reduction of armaments should require the Conventional Armaments Administration to submit to the General Assembly annual reports and such special reports as the Assembly may from time to time request.

To the International Court of Justice. Under the Statute of the Court, cases between States arising out of the treaty or convention for the regulation and reduction of conventional armaments and armed forces would fall within the jurisdiction of the Court when referred to it by the parties or through the operation of a compulsory jurisdiction declaration.¹ In addition, the Conventional Armaments Administration should be empowered, in accordance with the procedure specified in Article 96 of the Charter,² to request advisory opinions on legal questions arising within the scope of the Administration's activities. Proceedings before the Court should not delay the taking of measures necessary to conserve international peace and security.

To the Secretariat. The Conventional Armaments Administration might have an independent secretariat separate from the United Nations Secretariat. It might, however, utilize the services of the United Nations Secretariat to the extent mutually agreed upon. Reports and other communications from the Administration to organs of the United Nations should be transmitted through the Secretary-General.

To the Economic and Social Council. Such relationships as may be necessary should be established between the Conventional Armaments Administration and the Economic and Social Council, its commissions and sub-commissions, and related specialized agencies.

To the Trusteeship Council. Such relationships as may be necessary should be established between the Conventional Armaments Administration and the Trusteeship Council.

With Individual States. The question of the relationship of the Conventional Armaments Administration to each participating State will require careful treaty definition, particularly as regards the extent to which the privileges and immunities accorded to the Administration will exempt it from the operation of national laws and the means by which individual rights and liberties will be protected against possible infringement stemming from inspections. The grant of privileges and immunities to the Administration should be based on the principle of minimum interference with the national laws of a State consistent with adequate supervision of the regulation and reduction of armaments.

¹ Article 36 of the Statute; *A Decade of American Foreign Policy*, p. 147.

² *Supra*, p. 157.

The Administration should have no authority to issue directions or instructions to any State. The Administration should, however, be authorized to negotiate with each participating State such administrative agreements as may be necessary to carry out the treaty or convention affecting such State's regulation and reduction of armaments.

The privileges and immunities of the Administration should include:

- (1) The possession of legal personality similar to that enjoyed by the United Nations;
- (2) The right of its accredited representatives to the privileges and facilities of ingress, egress and access into and from the territory of participating States, including rights of transit for persons and equipment across or through such territory;
- (3) The right to the use of communication facilities adequate to the discharge of its responsibilities;
- (4) Such exemption from customs and immigration regulations as may be necessary to effective operations;
- (5) Inviolability of premises, property and archives.

3. **CONSOLIDATION OF THE APPROACH TO DISARMAMENT, 1951-1952**

PROPOSED CONSOLIDATION OF THE TWO DISARMAMENT COMMISSIONS: Address by the President of the United States Before the United Nations General Assembly, October 24, 1950¹

PROPOSED COMMISSION FOR THE CONTROL OF ALL ARMAMENTS AND ARMED FORCES: Working Paper Submitted by the United States Delegation to the United Nations Committee of Twelve, May 17, 1951²

Introduction

The United States believes that comprehensive plans to include the international control of all armaments and armed forces should be developed by the United Nations, and, accordingly, that present United Nations efforts should be directed towards the preparation of

¹ *Supra*, pp. 345-350.

² U.N. doc. A/AC.50/1. The Committee of Twelve was established under General Assembly Res. 496(V), Dec. 13, 1950 (U.N. General Assembly, *Official Records, Fifth Session, Supplement No. 20* (A/1775), p. 80), to report "on ways and means whereby the work of the Atomic Energy Commission and the Commission for Conventional Armaments may be co-ordinated and on the advisability of their functions being merged and placed under a new and consolidated disarmament commission."

co-ordinated plans of control which would make possible with appropriate safeguards the regulations, limitation and balanced reduction of all armaments and armed forces, including internal security and police forces. United Nations efforts in the field of armaments and armed forces have to date been assigned to two separate bodies, namely the United Nations Atomic Energy Commission and the Commission for Conventional Armaments. Much useful work has been accomplished by the two Commissions and, in the view of the United States, the appropriate time has now arrived for bringing the respective efforts of the two Commissions into closer co-ordination through the establishment of a single commission. In taking over the functions of the two present Commissions, the new commission would build upon the work already done by them. In particular, the United States believes that the United Nations plan for international control of atomic energy¹ must continue to serve as the basis for the work of the new commission in the atomic energy phases of its work. Nevertheless, the commission should be empowered to consider any other proposals that would be no less effective than the existing United Nations plan.

A. Organization

The United States believes that a new commission whose primary task would be the development of plans for the international control of all armaments and armed forces—to be called the Commission for the Control of Armaments and Armed Forces—should be established in place of the existing two Commissions in accordance with the following terms and provisions:

1. *Status.* The new commission should be established under and report to the Security Council, which in turn should submit periodic progress reports to the General Assembly.
2. *Composition.* Membership on the new commission should correspond to the membership of the Atomic Energy Commission and the Commission for Conventional Armaments, and hence would consist of the members of the Security Council, plus Canada when Canada is not a member of the Security Council.
3. *Sub-committees.* The new commission should be expressly authorized to establish such sub-committees as may be needed in order to carry out the tasks assigned to it, recognizing that the differences in the nature of atomic and non-atomic weapons, as well as in the nature of biological and other instrumentalities of warfare, require the development of varying, but co-ordinated,

¹ The "United Nations plan" here referred to consisted of the "General Findings and Recommendations" incorporated in the First Report of the U.N. Atomic Energy Commission, Dec. 31, 1946 (*A Decade of American Foreign Policy*, pp. 1107-1110) and Part II of the Commission's Second Report, Sept. 11, 1947 (*ibid.*, pp. 1111-1118).

systems of regulation and control, specially adapted to meet the problems peculiar to the different types of weapons, or instrumentalities.

4. *Technical advice.* Technical advice should be provided as necessary by experts appointed by the member States to assist their representatives.

5. *The Secretariat.* The Secretariat of the new commission should be provided by the Secretary-General of the United Nations.

6. *Relationship to other organs of the United Nations.* As a subordinate organ of the Security Council, the new commission should have the normal relationship of such a body to other organs of the United Nations.

7. *Rules of procedure.* With appropriate modifications, the rules of procedure of the Atomic Energy Commission would appear to be adequate to serve as the rules of procedure of the new commission.

Functions

1. The primary task of the new commission should be to prepare comprehensive and co-ordinated plans for the international control of all armaments and armed forces, and accordingly, would provide for the regulation, limitation, and balanced reduction of all armaments and armed forces, including internal security and police forces.

2. The new commission should build upon the work already developed by the Atomic Energy Commission and the Commission for Conventional Armaments. The United Nations plan for the international control of atomic energy and the prohibition of atomic weapons should continue to serve as the basis for any plan for the control of atomic energy unless and until a better and no less effective system can be devised.

3. The new commission should take into account the inter-relationship of control systems and safeguards necessary to assure the regulation, limitation, and balanced reduction of all armaments and armed forces, including internal security and police forces, in order to assure that the respective systems of control complement each other.

4. The new commission should develop a comprehensive plan for hastening the implementation of the component systems of control and regulation of all armaments and armed forces.

5. The new commission should formulate a plan for the regulation of the international traffic in arms as part of the comprehensive plan for international control of all armaments and armed forces.

4. ESTABLISHMENT OF THE UNITED NATIONS DISARMAMENT COMMISSION: Resolution 502 (VI) of the United Nations General Assembly, January 11, 1952¹

The General Assembly,

Moved by anxiety at the general lack of confidence plaguing the world and leading to the burden of increasing armaments and the fear of war,

Desiring to lift from the peoples of the world this burden and this fear, and thus to liberate new energies and resources for positive programmes of reconstruction and development,

Reaffirming its desire that the United Nations develop an effective collective security system to maintain the peace and that the armed forces and armaments of the world be progressively reduced in accordance with the Purposes and Principles of the Charter,

Believing that a necessary means to this end is the development by the United Nations of comprehensive and co-ordinated plans, under international control, for the regulation, limitation and balanced reduction of all armed forces and all armaments, for the elimination of all major weapons adaptable to mass destruction, and for the effective international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only,

Recognizing that a genuine system for disarmament must include all kinds of armed forces and armaments, must be accepted by all nations whose military resources are such that their failure to accept would endanger the system, and must include safeguards that will ensure the compliance of all such nations,

Noting the recommendation² of the Committee of Twelve established by resolution 496 (V)³ that the General Assembly should establish a new commission to carry forward the tasks originally assigned to the Atomic Energy Commission and the Commission for Conventional Armaments,

1. *Establishes* under the Security Council a Disarmament Commission. This Commission shall have the same membership as the Atomic Energy Commission and the Commission for Conventional Armaments, and shall function under the rules of procedure of the Atomic Energy Commission with such modifications as the Commission shall deem necessary;

2. *Dissolves* the Atomic Energy Commission and recommends to the Security Council that it dissolve the Commission for Conventional Armaments;

3. *Directs* the Disarmament Commission to prepare proposals to be embodied in a draft treaty (or treaties) for the regulation, limitation and

¹ U.N. General Assembly, *Official Records, Sixth Session, Supplement No. 20* (A/2119), pp. 1-2. This resolution is substantially the same as the draft resolution on the same subject proposed by the United States, France, and the United Kingdom on Nov. 19, 1951; *ibid.*, *Annexes, Agenda Items 66 and 16*, p. 5.

² *Ibid.*, pp. 2-3.

³ Resolution of Dec. 13, 1950; *ibid.*, *Fifth Session, Supplement No. 20* (A/1775), p. 80.

balanced reduction of all armed forces and all armaments, for the elimination of all major weapons adaptable to mass destruction, and for effective international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only. The Commission shall be guided by the following principles:

(a) In a system of guaranteed disarmament there must be progressive disclosure and verification on a continuing basis of all armed forces—including paramilitary, security and police forces—and all armaments including atomic;

(b) Such verification must be based on effective international inspection to ensure the adequacy and accuracy of the information disclosed; this inspection to be carried out in accordance with the decisions of the international control organ (or organs) to be established;

(c) The Commission shall be ready to consider any proposals or plans for control that may be put forward involving either conventional armaments or atomic energy. Unless a better or no less effective system is devised, the United Nations plan for the international control of atomic energy and the prohibition of atomic weapons should continue to serve as the basis for the international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only;

(d) There must be an adequate system of safeguards to ensure observance of the disarmament programme, so as to provide for the prompt detection of violations while at the same time causing the minimum degree of interference in the internal life of each country;

(e) The treaty (or treaties) shall specifically be open to all States for signature and ratification or adherence. The treaty (or treaties) shall provide what States must become parties thereto before the treaty (or treaties) shall enter into force;

4. *Directs* the Commission, when preparing the proposals referred to in the preceding paragraph, to formulate plans for the establishment, within the framework of the Security Council, of an international control organ (or organs) to ensure the implementation of the treaty (or treaties). The functions and powers of the control organ (or organs) shall be defined in the treaty which establishes it;

5. *Directs* the Commission, in preparing the proposals referred to in paragraph 3 above, to consider from the outset plans for progressive and continuing disclosure and verification, the implementation of which is recognized as a first and indispensable step in carrying out the disarmament programme envisaged in the present resolution;

6. *Directs* the Commission, in working out plans for the regulation, limitation and balanced reduction of all armed forces and all armaments:

(a) To determine how over-all limits and restrictions on all armed forces and all armaments can be calculated and fixed;

(b) To consider methods according to which States can agree by negotiation among themselves, under the auspices of the Commission, concerning the determination of the over-all limits and restrictions

referred to in sub-paragraph (a) above and the allocation within their respective national military establishments of the permitted national armed forces and armaments;

7. *Directs* the Commission to commence its work not later than thirty days from the adoption of the present resolution and to report periodically, for information, to the Security Council and to the General Assembly, or to the Members of the United Nations when the General Assembly is not in session. The Commission shall submit its first report not later than 1 June 1952;

8. *Declares* that a conference of all States should be convened to consider the proposals for a draft treaty (or treaties) prepared by the Commission as soon as the work of the Commission shall have progressed to a point where in the judgment of the Commission any part of its programme is ready for submission to governments;

9. *Requests* the Secretary-General to convene such a conference when so advised by the Commission;

10. *Requests* the Secretary-General to furnish such experts, staff and facilities as the Commission may consider necessary for the effective accomplishment of the purposes of the present resolution.

C. WORK OF THE UNITED NATIONS DISARMAMENT COMMISSION, 1952-1953

5. DISCLOSURE, VERIFICATION, AND INSPECTION OF ARMAMENTS: Proposal Submitted by the United States Delegation to the United Nations Disarmament Commission, April 5, 1952¹

INTRODUCTION

General Assembly resolution 502 (VI)² calling for regulation, limitation and balanced reduction of all armed forces and armaments directs that the Disarmament Commission be guided by a number of principles, including the following (paragraph 3):

“(a) In a system of guaranteed disarmament there must be progressive disclosure and verification on a continuing basis of all armed forces—including para-military, security and police forces—and all armaments including atomic;

“(b) Such verification must be based on effective international inspection to ensure the adequacy and accuracy of the information disclosed; this inspection to be carried out in accordance with the decisions of the international control organ (or organs) to be established.”

¹ U.N. Disarmament Commission, *Official Records, Supplement for April, May and June 1952* (DC/C.2/1), pp. 9-18.

² *Supra*, doc. 4.

Paragraph 5 of the resolution reads as follows:

"5. *Directs* the Commission, in preparing the proposals referred to in paragraph 3 above, to consider from the outset plans for progressive and continuing disclosure and verification, the implementation of which is recognized as a first and indispensable step in carrying out the disarmament programme envisaged in the present resolution".

It is therefore apparent that the General Assembly resolution contemplates that the newly created Disarmament Commission should as a matter of priority deal with the problem of progressive and continuing disclosure and verification of armed forces and armaments.

A. EXTENT OF DISCLOSURE AND VERIFICATION

The system of disclosure and verification must be on a continuing basis. Disclosure as of a particular date on a "one time basis" and subsequent verification of such disclosure would not meet the requirements of a continuing programme for regulation, limitation and balanced reduction of all armed forces. Therefore it is contemplated that the machinery which will be set up should be on a permanent or at least a long-term basis, since the disclosure and verification of armed forces and armaments will be on a continuing basis.

The disclosure must cover all armed forces of every kind, including para-military, security and police forces, and all armaments, including atomic.

The verification of armed forces and armaments must likewise cover all armed forces of every kind, including para-military, security and police forces and all armaments, including atomic.

The permanent machinery to be established must provide adequate safeguards under a competent international authority having appropriate status, rights and powers.

B. STAGES OF DISCLOSURE AND VERIFICATION

Disclosure and verification must be carried out step by step with appropriate provisions for proceeding to the next step when, and only when, previous steps have been satisfactorily completed. The reasons for proceeding by stages are two:

(a) In the existing state of international tensions all States must be protected in the event of a serious violation or collapse of the system of regulation, limitation and balanced reduction of armaments. The existence of stages gives all States the opportunity over a period of time to test the good faith of all other States. The mere agreement to enter into a system for disclosure and verification would give no assurance that the parties thereto would actually carry it out in full at all. With disclosure and verification in several stages and with each step of one stage completed prior to the commencement of the next stage, all States have the opportunity at periodic intervals of

checking the good faith of other States through review of the information theretofore disclosed.

(b) It is contemplated that the disclosure and verification would proceed from the less secret areas, which would be disclosed and verified in early stages, to the more secret areas. A phasing of this nature, in addition to furnishing the best test of the good faith of all States, would cause the minimum degree of interference in the internal life of each country, since the less sensitive information can in fact be more readily verified, and would, in cases of differences or delays, prevent premature disclosure of information which many States would like reserved until substantial co-operation and good faith have been demonstrated.

6. In considering the appropriate number of stages, the United States had as its objective the full implementation of the programme of disclosure and verification as rapidly as feasible in the light of the existing state of international tensions. An excessive number of stages, each of which must be completed prior to the commencement of the next stage, would unduly delay not only the programme of disclosure and verification but also the entire programme for regulation, limitation and balanced reduction of armed forces and armaments. With this in mind, the United States concluded and is proposing that the number of stages of disclosure and verification should be five—a figure which represents the minimum number consistent with the considerations set forth in the previous paragraph. In each stage, the disclosure and verification processes will go forward simultaneously on a wide variety of items in order to accelerate the successful completion of the programme.

7. Annex I sets forth in outline the extent of armed forces and armaments (excluding atomic) to be disclosed in the respective stages and the manner of verification of the information required to be disclosed. Annex II sets forth the same information with respect to atomic armaments. The proposals with respect to atomic weapons are presented in a separate annex solely in the interest of clarity of presentation. Both the problems involved and the appropriate terminology with respect to atomic weapons differ so greatly from the problems and terminology with respect to other weapons that a single annex comprehending both might be confusing. It is contemplated that all stages of disclosure and verification cover both atomic and non-atomic weapons. In other words, the first stage includes the items set forth both in annex I and in annex II for disclosure and verification in that stage, and the same is true as to all succeeding stages.

8. Without commenting in detail at this point on the specific items subject to disclosure and verification in the respective stages, it should be noted that the armed forces and armaments to be disclosed in the first stage have three general characteristics:

(a) They should prove to be the least secret items.

(b) In the main, they are most susceptible of verification by periodic visits of inspection and through reference of statistical

ards—with the result that verification can take place with the minimum of interference in the internal life of the respective countries. The resort would nevertheless be required to “on-the-spot” inspection, and aerial reconnaissance would be required in all stages to assist in checking the adequacy of the disclosure.

(c) At the same time, these items reveal so vast a segment of the military potential of all States that their disclosure and verification, provided in this stage, in and of itself would act as an indication of good faith and would thus greatly facilitate progress towards the ultimate goals of the entire programme of regulation, limitation and balanced reduction of all armed forces and armaments.

The armed forces and armaments to be disclosed in the second, third, fourth and fifth stages are progressively more secret and more difficult to verify except through “on-the-spot” investigations in conjunction with extensive aerial reconnaissance.

The character of the items to be disclosed and verified in the five stages as outlined in annexes I and II can in general be summarized as follows:

Stage I. A quantitative count in the nature of a report on existing strength levels of all armed forces and of the location of installations and facilities concerned with armaments of all types, including atomic.

Stage II. Detailed disclosure of organization of armed forces and of installations and facilities concerned with the basic materials required for production of all armaments, including atomic.

Stage III. Detailed disclosure of armaments (except novel armaments), fissionable material and installations and facilities utilized in their production.

Stage IV. Detailed disclosure of installations and facilities utilized in the production of novel armaments, including atomic (armaments not in general use by the end of the Second World War but in volume production today).

Stage V. Detailed disclosure of novel armaments, including atomic.

The information to be disclosed and verified in all stages—and particularly in the early stages—is so vast that there appear to be advantages in disclosing material only at the rate at which it can be processed. Therefore, in general within each stage, disclosure should proceed progressively step by step in accordance with an agreed plan in the less sensitive information to that which is more sensitive.

C. INSPECTION

The system of disclosure and verification is an integral part of a system of safeguards which must be established to ensure observance of the over-all programme of regulation, limitation and balanced reduction of armed forces and armaments, so as to provide for the prompt detection of violations while at the same time causing the minimum degree of interference in the internal life of each country. It will not be adequate to provide merely for the verification of dis-

closed information. In addition, provision must be made for determining the adequacy of the disclosed information, through broad general powers of "on-the-spot" inspection, through access to statistical data permitting independent confirmation of required reports and through aerial surveys.

13. Extensive aerial reconnaissance is obviously essential to the verification procedure in order completely to determine the adequacy of disclosed information. It will be obvious that aerial reconnaissance furnishes the easiest method of determining the existence of large undisclosed facilities and installations. Aerial survey will be essential in all stages of the disclosure and verification procedure.

14. It is contemplated that "on-the-spot" inspection will take place in all stages as a part of the verification procedure. Its use, however, will be less extensive in the first than in the later stages because of the greater ease of verification, through other methods, of the items disclosed in the first stage. It will of course be necessary at each stage to regulate inspection in such a way as to prevent disclosure of information which is to be withheld from disclosure and verification during the particular stage. Certain principles governing limitations on the right of "on-the-spot" inspections in early stages are set forth in annexes I and II.

15. Each State at the commencement of each stage should submit to the Commission a general description of the nature and location of facilities falling within the terms of reference for that stage. Access to such locations, reasonably sufficient to verify the information disclosed, should be granted to inspectors. Inspection in each stage should proceed in accordance with a previously accepted plan.

16. It is essential to an effective system of verification that the international inspectors, in addition to examining declared installations and facilities, be permitted in all stages to have access to the entire national territory in order that the Commission may determine within reasonable limits the accuracy and adequacy of the information disclosed. Accordingly, each State should be required during each stage of the process of disclosure and verification to permit the international inspectors such freedom of movement and to give them access to such installations and facilities, records and data as may reasonably be required, including the right to inspect physical dimensions of all facilities and installations wherever situated.

17. Each State should facilitate the activities of the international inspectors and furnish to them such assistance as they may reasonably require.

18. Procedure should be set up in order to permit a determination by the Commission of the necessity for inspection of any facilities or installations, access to which is denied to the inspectors and where in the judgment of the inspectors such inspection is required.

19. The inspectors should report to the Commission any information indicating a major violation of any provisions of the treaties or agreements respecting disclosure and verification. In the event of a Commission determination confirmed by the Security Council, by the affirmative vote of any seven members, of such a major violation

during any stage and the failure of the State guilty of violation to repair the same within a reasonable specified period, other States should be free to suspend the operations of the disclosure and verification system.

20. The first stage of disclosure and verification should commence upon (a) the entry into force of the treaties dealing with the programme of disclosure and verification and referred to in paragraph 3 of the General Assembly resolution, and (b) the establishment, pursuant to such treaties, of international machinery responsible for carrying out the programme of disclosure and verification, including the portion of such machinery located within the territory of States adhering to the programme.

21. Disclosure and verification in all stages subsequent to the first stage could commence upon a Commission determination that the previous stage has been satisfactorily completed.

D. MISCELLANEOUS

22. The United Nations should establish concurrently with and at the time of the adoption of the general principles governing this programme the necessary inspection machinery to ensure effective verification of the armed forces and armaments, including those involving atomic energy, disclosed pursuant to the programme. In establishing this machinery, consideration should be given to its subsequent utilization to supervise the programme for the regulation, limitation and balanced reduction of all armaments and armed forces. The machinery recommended in the United Nations Atomic Energy Plan¹ would presumably be utilized in connexion with the disclosure and verification of armaments involving atomic energy. The problem of appropriate United Nations machinery both for purposes of the system of disclosure and verification and for the regulation, limitation and balanced reduction of armed forces and armaments is the subject of a separate study.

23. It is contemplated that the disclosure and verification processes with respect to all adhering States should begin simultaneously and should go forward at approximately the same tempo.

24. The draft treaties or agreements bringing into effect the disclosure and verification system should specifically provide for adherence of States in accordance with the principles set forth in the fifth paragraph of the preamble and sub-paragraph 3 (e) of General Assembly resolution 502 (VI) of 11 January 1952, the relevant portions of which are as follows:

"Recognizing that a genuine system for disarmament . . . must be accepted by all nations whose military resources are such that their failure to accept would endanger the system . . ."

"3 . . ."

"(e) The treaty (or treaties) shall specifically be open to all States for signature and ratification or adherence. The treaty (or

¹ See *A Decade of American Foreign Policy*, pp. 1107-1118.

treaties) shall provide what States must become parties thereto before the treaty (or treaties) shall enter into force."

ANNEX I

Proposed stages of disclosure and verification of Armed forces and non-atomic armaments

STAGE I

Disclose

- (a) Over-all manpower strength of regular and reserve military forces and para-military organizations, including training establishments and security and police forces, broken down into each category.
- (b) Location of all operational military installations.

Verify

- (a) By examination and cross-checks of central records to include personnel, disbursement, medical and procurement supplemented by access to and spot checks of records at selected installations.
 - (b) By direct examination, location, manpower used, power input and physical dimensions of installations.
- (a) and (b): Inspectors will have access to entire national territory to extent necessary to determine that all facilities and installations have been declared. Aerial surveys will be permitted for same purpose and to same extent.

STAGE II

Disclose

- (a) Organization, composition and disposition of units making up over-all strengths disclosed in stage I.
- (b) Over-all annual capacity of heavy industry relating to armaments to include coal, steel, aluminum and electricity.

Verify

- (a) By quantitative analysis of records pertaining to personnel, movement of units and administrative support supplemented by access to and spot checks of selected units and installations.
 - (b) By cross checks of pertinent statistics and employment records, access to plants, and analysis of operation with respect to materials used.
- (a) and (b): By aerial survey as stated in stage I.

STAGE III

Disclose

- (a) Equipment (including reserve equipment of units making up over-all strengths disclosed in stages I and II except units equipped with novel weapons).
- (b) Production facilities for manufacture of weapons and heavy equipment for units making up over-all strengths disclosed in stages I and II (excluding novel weapons), giving location, type and capacity.

erify

-) By quantitative analysis of records pertaining to table of organization and equipment, and repair and overhaul of equipment supplemented by access to and spot checks of selected units and installations.
 -) By inspection of physical dimensions of plants and examination of records pertaining to consumption of power and raw materials, available labour force, and finances, and by access to and spot checks of selected units and installations.
- (a) and (b): By aerial survey as stated in stage I.

STAGE IV

disclose

-) Information as to equipment of units equipped with novel weapons to include biological warfare, chemical warfare, radiological warfare and atomic weapons.
-) Installations and facilities devoted to manufacture of novel weapons.

erify

-) By cross checks with stages I and II and quantitative inspection of units disclosed.
 -) By inspection of physical dimensions of plants and examination of records pertaining to consumption of power and raw materials, available labour force, and finances, and by access to and spot checks of selected units and installations.
- (a) and (b): By aerial survey as set forth in stage I.

STAGE V

disclose

-) Quantities of novel weapons on hand by types.

erify

-) By physical count of stockpiles of finished novel weapons cross checked with information disclosed in stages I, II, III and IV.

ANNEX II

proposed stages of disclosure and verification of Atomic armaments

STAGE I

disclose

-) Location of all installations directly concerned with production of atomic energy, or the product of which is primarily useful in the production of atomic energy. Also manpower employed, physical dimensions, and power input of each installation. (Excluding weapon storage sites.)
-) Uses or functions of these installations. This should be confined to a statement giving the input material, the produce material and the process used in each instance.

Verify

- (a) By direct examination, location, manpower used, power input and physical dimensions of installation. (Inspectors will have access to entire national territory to the extent necessary to determine through such means as aerial survey, inspection of water and railways and power lines, that all atomic energy installations have been declared.)
- (b) Uses and functions in so far as revealed by external examination of all structures and unhoused equipment. Detailed interior inspection shall take place in subsequent stages, the particular stage in which it will take place depending upon the function of the plant. (Verification of (a) above will be of value as partial verification of plant use or function.)

(a) and (b): By aerial survey in all stages for same purposes and to same extent as permitted with armed forces and non-atomic armaments. (See annex I.)

STAGE II

Disclose

- (a) Details of design and operation, including present and past output, of all those installations or parts of installations concerned with preparation of atomic energy raw or feed materials (and such auxiliary materials as graphite, heavy water and beryllium), from mines up to but not including reactors, isotope separation plants, and similar nuclear conversion devices used to produce fissionable or fusionable material.

Verify

- (a) By direct and detailed inspection of all aspects the installations and appropriate records. Cross checks with stage I.

STAGE III

Disclose

- (a) Details of design and operation, including present and past output of all those atomic energy installations, or parts of installations, concerned with the conversion of feed materials to fissionable or fusionable materials or with the preparation of radioactive materials in large quantities.
- (b) Amounts and types of fissionable or fusionable material on hand or in process; amounts and types of radioisotopes on hand or in process.
- (c) General design and operational characteristics of research laboratories involving reactors operating at a power level of 1 MW or more, including amounts of radioactive, or fissionable or fusionable materials produced.

Verify

- (a) By direct and detailed inspection of all aspects the installations and appropriate records. Cross checks with stages I and II.
- (b) By direct and detailed inspection of fissionable or fusionable

material, or radioactive materials, installations for production thereof, and appropriate records.

- (c) By survey of facilities associated with reported reactors, by detailed inspection of reactors themselves.

STAGE IV

Disclose

- (a) Details of design and operation, including past and present output of all those atomic energy establishments and installations concerned with the fabrication of atomic or radioactive weapons from fissionable or other materials.

Verify

- (a) By direct and detailed inspection of installations and appropriate records. Cross checks with stages I, II and III.

STAGE V

Disclose

- (a) Location, numbers and types of atomic and radioactive weapons on hand. Weapon storage sites.

Verify

- (a) By direct inspection. Cross checks with stages I, II and III and (a) above.

6. ESSENTIAL PRINCIPLES OF A DISARMAMENT PROGRAM: Proposal Submitted by the United States Delegation to the United Nations Disarmament Commission, April 24, 1952¹

The Disarmament Commission accepts as a guide for its future work the following principles as the essentials of a disarmament programme:

1. The goal of disarmament is not to regulate but to prevent war by relaxing the tensions and fears created by armaments and by making war inherently, as it is constitutionally under the Charter, impossible as a means of settling disputes between nations.
2. To achieve this goal, all States must co-operate to establish an open and substantially disarmed world:

(a) In which armed forces and armaments will be reduced to such a point and in such a thorough fashion that no State will be in a condition of armed preparedness to start a war, and

(b) In which no State will be in a position to undertake preparations for war without other States having knowledge of such preparations long before an offending State could start a war.

3. To reach and keep this goal, international agreements must be entered into by which all States would reduce their armed forces to

¹ U.N. Disarmament Commission, *Official Records, Supplement for April, May and June 1952* (DC/C.1/1), pp. 8-9.

levels, and restrict their armaments to types and quantities, necessary for:

- (a) The maintenance of internal security,
- (b) Fulfillment of obligations of States to maintain peace and security in accordance with the United Nations Charter.

4. Such international agreements must ensure by a comprehensive and co-ordinated programme both:

- (a) The progressive reduction of armed forces and permitted armaments to fixed maximum levels, radically less than present levels and balanced throughout the process of reduction, thereby eliminating mass armies and preventing any disequilibrium of power dangerous to peace, and
- (b) The elimination of all instruments adaptable to mass destruction.

5. Such international agreements must provide effective safeguards to ensure that all phases of the disarmament programme are carried out. In particular, the elimination of atomic weapons must be accomplished by an effective system of international control of atomic energy to ensure that atomic energy is used for peaceful purposes only.

6. Such international agreements must provide an effective system of progressive and continuing disclosure and verification of all armed forces and armaments, including atomic, to achieve the open world in which alone there can be effective disarmament.

7. NUMERICAL LIMITATION OF ARMED FORCES: Working Paper Submitted by the Delegations of the United States, the United Kingdom, and France to the United Nations Disarmament Commission, May 28, 1952¹

The delegations of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America, which sponsored the resolution of the General Assembly establishing the Disarmament Commission,² are today submitting the attached working proposals for the determination of over-all numerical limitations on all armed forces.

In fixing numerical limitations on the armed forces of States a number of factors, demographic, geographic, political and economic, have to be considered. The Charter responsibilities of States and the need of balanced power-relationships among States must also be taken into account. There is no one automatic formula which can inflexibly be applied in all cases. The objective must be to reduce the possibility and the fear of successful aggression and to avoid a disequilibrium of power dangerous to international peace and security.

¹ U.N. Disarmament Commission, *Official Records, Supplement for April, May and June 1952* (DC/10) pp. 1-5.

² *Supra*, doc. 4.

The proposals suggest that there should be fixed numerical ceilings for China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America. A ceiling between 1 million and 1.5 million is suggested for the Union of Soviet Socialist Republics, the United States of America and China, while a ceiling between 700,000 and 800,000 is suggested for the United Kingdom and France.

The proposals call for agreed maximum ceilings for all other States having substantial armed forces to be fixed in relation to the ceilings agreed upon for the five powers. Such ceilings should be fixed with a view to avoiding a disequilibrium of power dangerous to international peace and security in any area of the world, thus reducing the danger of war. The ceilings would normally be less than one per cent of the population and should be less than current levels, except in very special circumstances.

The proposals envisage substantial and balanced reductions in armed forces. Agreement on such reductions should greatly lessen the likelihood and the fear of successful aggression and should facilitate agreement on other essential parts of a comprehensive disarmament programme, including the elimination of all major weapons adaptable to mass destruction and the effective international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only.

PROPOSALS FOR FIXING NUMERICAL LIMITATIONS OF ALL ARMED FORCES

A. Introduction

1. Paragraph 3 of General Assembly resolution 502 (VI) of 11 January 1952:

"Directs the Disarmament Commission to prepare proposals to be embodied in a draft treaty (or treaties) for the regulation, limitation and balanced reduction of all armed forces and all armaments, for the elimination of all major weapons adaptable to mass destruction, and for the effective international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only".

2. Paragraph 6 of the resolution:

"Directs the Commission, in working out plans for the regulation, limitation and balanced reduction of all armed forces and all armaments:

"(a) To determine how over-all limits and restrictions on all armed forces and all armaments can be calculated and fixed;

"(b) To consider methods according to which States can agree by negotiation among themselves, under the auspices of the Commission concerning the determination of the over-all limits and restrictions referred to in sub-paragraph (a) above and the allocation within their respective national military establishments of the permitted national armed forces and armaments".

3. The present working paper presents a plan for the determination of over-all numerical limitations on the size of the armed forces of States. Obviously some over-all limitations on the size of the armed forces of States are an essential part of any comprehensive plan for the regulation, limitation and balanced reduction of armed forces and armaments. The working paper is not intended to exclude, but to facilitate the development of other essential components which must be included in what the preamble of the General Assembly resolution refers to as "comprehensive and co-ordinated plans, under international control, for the regulation, limitation and balanced reduction of all armed forces and armaments, for the elimination of all major weapons adaptable to mass destruction, and for the effective control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes" including "safeguards that will ensure the compliance of all . . . nations [whose military resources are such that their failure to accept would endanger the system]". Proposals have already been submitted on certain other essential components, i. e., the control of atomic energy and disclosure and verification of all armed forces and armaments. By submitting this working paper and focusing attention on another component we hope to facilitate progress toward an agreed comprehensive programme.

B. Standards for determining numerical limitations of all armed forces

4. In fixing numerical limitations on the armed forces of States a number of factors, demographic, geographic, political and economic, have to be considered. The Charter responsibilities of States and the need of balanced power-relationships among States must also be taken into account. There is no one automatic formula which can inflexibly be applied in all cases. The objective must be to reduce the possibility and the fear of successful aggression and to avoid a disequilibrium of power dangerous to international peace and security.

5. The following working formula is suggested as a basis of discussion:

(a) There should be fixed numerical ceilings for China, France, the Union of Soviet Socialist Republics, the United Kingdom, and the United States of America which should be worked out with a view of avoiding a disequilibrium of power dangerous to international peace and security among themselves or with other States and thus reducing the danger of war. It is tentatively suggested that the maximum ceilings for the Union of Soviet Socialist Republics, the United States of America and China should be the same and fixed at, say, between 1 million and 1.5 million, and the maximum ceilings for the United Kingdom and France should be the same and fixed at, say, between 700,000 and 800,000.

(b) For all other States having substantial armed forces there should be agreed maximum ceilings fixed in relation to the ceilings agreed upon for the five Powers. Such ceilings should be fixed with a view to avoiding a disequilibrium of power dangerous to international peace and security in any area of the world and thus reducing the danger

of war. The ceilings would normally be less than one per cent of the population. Moreover, they should be less than current levels except in very special circumstances.

C. Significance of over-all numerical limitations

6. While a nation's armed forces are not the only measure of its armed strength, and other elements of armed strength will have to be considered in any comprehensive programme for the balanced reduction of armed forces and armaments, nevertheless a numerical limitation on armed forces is a major element in any such programme for the following reasons:

(a) All armaments programmes depend upon manpower and therefore must to a greater or less degree be affected by limitations on permitted armed forces.

(b) A substantial reduction of armed forces as here suggested in itself would tend to reduce the likelihood of successful aggression.

(c) Agreement on a substantial and balanced reduction of armed forces, minimizing the likelihood and fear of successful aggression, should greatly facilitate agreement reducing and restricting the armaments supporting these armed forces.

D. Implementation of proposals for numerical limitations of all armed forces

7. In determining the numbers in the armed forces, all kinds of armed forces, including para-military and security forces, must be included.

8. Adequate provision must be made to ensure that the maximum limitation on armed forces is not circumvented through building up large forces of trained reserves or militarily trained police.

9. This system must be accepted by all States, whether or not Members of the United Nations, whose military resources are such that their failure to accept would endanger the system.

10. There should be adequate safeguards throughout the process of reduction to ensure that limitations are put into effect and observed as agreed and that violations can be promptly detected.

11. The implementation of the reductions should be closely related to progress in connexion with other phases of the programme for regulation, limitation and balanced reduction of armed forces and armaments, such as the control of atomic energy and the system of progressive and continuing disclosure and verification.

12. The reduction should be carried through in a manner and in accordance with a time schedule prescribed by the international control organ and should be completed within the shortest feasible time after its commencement.

13. In the future, further numerical limitation of permitted armed forces would be contemplated as substantial progress is achieved

toward the easing of international tensions, and the agreed ceilings would be subject to review at stated intervals.

14. The proposed limitations—including their relationship to other components of the programme for regulation, limitation and balanced reduction of armed forces and armaments and the elimination of weapons adaptable to mass destruction—should be comprehended within the treaty or treaties required under paragraph 3 of General Assembly resolution 502 (VI) of 11 January 1952.

8. FIRST REPORT OF THE UNITED NATIONS DISARMAMENT COMMISSION, MAY 29, 1952¹

1. The General Assembly, by resolution 502 (VI) of 11 January 1952,² established the Disarmament Commission. In addition, the General Assembly, by resolution 504 (VI) of 19 January 1952,³ referred to the Commission certain proposals of the USSR, as contained in paragraphs 3 to 7 inclusive, of document A/C.1/698 [DC/2].

2. The Members of the Disarmament Commission for 1952 are: Brazil, Canada, Chile, China, France, Greece, Netherlands, Pakistan, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, and the United States of America.

3. The Commission has held twelve meetings to date, of which the first was held in Paris on 4 February 1952, and the subsequent ones have been held at United Nations Headquarters in New York.

4. At the 2nd meeting of the Commission on 14 March 1952, the representative of the United States submitted a "Proposal for a Plan of work for the Disarmament Commission" [DC/3].

5. At the 3rd meeting of the Commission on 19 March 1952, the representative of the Union of Soviet Socialist Republics submitted a "Proposal for a plan of work for the Disarmament Commission" [DC/4 and DC/4/Corr.1].

6. At the 7th meeting of the Commission on 26 March 1952, the representative of France submitted a "Proposed program of work for the Disarmament Commission" [DC/5]. This proposed programme was adopted by the Commission at its 8th meeting on 28 March 1952.

7. At the 9th meeting of the Commission on 2 April 1952, at the suggestion of the Chairman, the representative of Chile, the Commission established two working committees, each consisting of all the members of the Commission [DC/8]. Committee 1 was authorized to consider paragraph B of the programme of work, to wit, "Regulation of all armaments and armed forces". Committee 2 was authorized to consider paragraph A of the programme of work, to wit, "Disclosure and verification of all armaments, including atomic armaments, and of all armed forces".

¹ U.N. doc. DC/11.

² See *supra*, doc. 4.

³ U.N. General Assembly, *Official Records, Sixth Session, Supplement No. 20* (A/2119), p. 4.

8. At the first meeting of Committee 2, on 5 April 1952, the representative of the United States submitted a working paper entitled "Proposals for progressive and continuing disclosure and verification of armed forces and armaments" [DC/C.2/1].¹

9. At the 3rd meeting of Committee 1 on 24 April 1952, the representative of the United States submitted a proposal entitled "Essential principles for a disarmament programme" [DC/C.1/1].²

10. At the 12th meeting of the Commission on 28 May 1952, the representatives of France, the United Kingdom, and the United States submitted a "Working paper setting forth proposals for fixing numerical limitations of all armed forces" [DC/10].³

11. The Commission decided at its 12th meeting on 28 May 1952 to submit this first report, in accordance with paragraph 7 of resolution 502 (VI), to the Security Council and to the Members of the United Nations, and to transmit with this report the two resolutions of the General Assembly referred to above, and the records of the proceedings of the Commission and its Committees to date.

12. The discussions in the Commission and its two Committees are continuing and the Commission will, in accordance with paragraph 7 of resolution 502 (VI), submit further reports on its work.

13. The list of the relevant General Assembly resolutions and of the records of the proceedings of the Commission and its Committees is annexed hereto.⁴

9. NUMERICAL LIMITATION OF ARMED FORCES: Supplementary Working Paper Submitted by the Delegations of the United States, the United Kingdom, and France to the United Nations Disarmament Commission, August 12, 1952⁵

1. It is contemplated that any agreement for the numerical limitation of armed forces would necessarily comprehend:

(a) Provisions to ensure that production of armaments and quantities of armaments bear a direct relation to the amounts needed for permitted armed forces;

(b) Provisions for composition of permitted armed forces and armaments in order to prevent undue concentration of total permitted armed forces in a manner which might prejudice a balanced reduction;

(c) Procedures in conformity with the directive contained in paragraph 6 (b) of General Assembly resolution 502 (VI) of 11 January 1952,⁶ for the negotiation within over-all limitations of mutually agreed programmes of armed forces and armaments with a view to obtaining early agreement on these matters among States with substantial military resources.

¹ See *supra*, doc. 5.

² See *supra*, doc. 6.

³ See *supra*, doc. 7.

⁴ Not reprinted here.

⁵ U.N. Disarmament Commission, *Official Records, Supplement for July, August and September 1952* (DC/12), pp. 1-3.

⁶ *Supra*, doc. 4.

Procedures should be worked out to facilitate the development, under the auspices of the Disarmament Commission, of mutually agreed programmes of armed forces and armaments to be comprehended within the treaty or treaties referred to in General Assembly resolution 502 (VI) of 11 January 1952.

2. One possible procedure, advanced for the purpose of initiating discussions, might be:

(a) Upon acceptance of the proposals set forth in Working Paper DC/10¹ with respect to fixing numerical limitation of all armed forces, arrangements might be made for a conference between China, France, Union of Soviet Socialist Republics, United Kingdom and the United States of America with a view to reaching tentative agreement among themselves, by negotiation, on:

- (1) The distribution by principal categories of the armed forces that they would consider necessary and appropriate to maintain within the agreed numerical ceilings proposed for their armed forces;
- (2) The types and quantities of armaments which they would consider necessary and appropriate to support permitted armed forces within the proposed numerical ceilings;
- (3) The elimination of all armed forces and armaments other than those expressly permitted, it being understood that provision will be made for the elimination of all major weapons adaptable to mass destruction, and for the effective international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only.

The distribution of armed forces within stated categories and the types and volumes of armaments would not necessarily be identic, even for States with substantially equal aggregate military strength, inasmuch as their needs and responsibilities may be different. The objective of the agreements would be to reduce the possibility and fear of aggression and to avoid a disequilibrium of power dangerous to international peace and security. Such agreements would necessarily be tentative, as they would have to be reviewed in the light of further tentative agreements to be reached, as indicated in the following paragraph.

(b) When tentative agreement is attained at the conference referred to in paragraph 2 (a), regional conferences might be held, to be attended by all governments and authorities having substantial military forces in the respective regions, for the purpose of reaching similar tentative agreement on:

- (1) The over-all numerical ceilings for the armed forces of all such governments and authorities, as proposed in paragraph 5 (b) of the tripartite working paper on numerical limitations,
- (2) The distribution of the permitted armed forces within stated categories,

¹ *Supra*, doc. 7.

- (3) The type and volume of armaments necessary and appropriate to support the permitted armed forces, and
- (4) The elimination of all armed forces and armaments other than those expressly permitted, it being understood that provision will be made for the elimination of all major weapons adaptable to mass destruction, and for the effective international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only.

(c) Thereafter a draft treaty might be worked out, as contemplated in operative paragraph 3 of General Assembly resolution 502 (VI) of 11 January 1952, comprehending and bringing into a balanced relationship all essential components of the programme.

3. The timing and co-ordination of the reductions, prohibitions and eliminations should ensure the balanced reduction of over-all armed strength and should avoid creating or continuing any disequilibrium of power dangerous to international peace and security during the period that the reductions, prohibitions and eliminations are being put into effect. In particular, the initial limitations or reductions in armed forces and permitted armaments and the initial steps toward elimination of prohibited armaments should commence at the same time. Subsequent limitations and reductions should be synchronized with subsequent progress in elimination of prohibited armaments. An international control authority should be established at the commencement of the programme and it should be in a position to assume progressively its functions in order to ensure the carrying out of such limitations, reductions, curtailments and prohibitions. Thus, when the limitations and reductions in armed forces and permitted armaments provided by the treaty or treaties are completed, production of prohibited armaments will have ceased, existing stock-piles of prohibited armaments and facilities for their production will have been disposed of, atomic energy will be utilized for peaceful purposes only, and the international control authority will have assumed its full functions.

10. ELIMINATION OF BACTERIAL WEAPONS: Working Paper Submitted by the United States Delegation to the United Nations. Disarmament Commission, September 4, 1952¹

1. A comprehensive programme for the regulation, limitation and balanced reduction of all armed forces and armaments should provide for the elimination of all major weapons adaptable to mass destruction, including bacterial, and for the effective international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only.

2. Bearing in mind that all Members of the United Nations have agreed to refrain not only from the use of germ warfare but from the

¹ U.N. Disarmament Commission, *Official Records, Supplement for July, August and September 1952* (DC/15), pp. 3-4.

use of force of any kind contrary to the law of the Charter, the programme envisaged in paragraph 1 must be approached from the point of view of preventing war and not from the point of view of regulating the armaments used in war or of codifying the laws of war. The programme as a whole should ensure that armed forces and armaments are reduced to such a point and in such a thorough fashion that:

(a) No State will be in a position of armed preparedness to start a war;

(b) No State shall be in a position to undertake preparations for war without other States having knowledge of such preparations long before the offending State could start a war.

3. Safeguards must be devised to ensure the elimination of bacterial weapons and facilities and appliances for their production and use along with the elimination of all armed forces and armaments not expressly permitted to States to maintain public order and to meet their Charter responsibilities. The principal safeguards to ensure the elimination of bacterial weapons are to be found in an effective and continuous system of disclosure and verification of all armed forces and armaments such as that suggested in the working paper submitted by the representative of the United States on 5 April 1952, entitled "Proposals for progressive and continuing disclosure and verification of armed forces and armaments" (DC/C.2/1).¹ It is proposed that, at appropriate stages in an effective system of disclosure and verification, agreed measures should become effective providing for the progressive curtailment of production, the progressive dismantling of plants and the progressive destruction of stockpiles of bacterial weapons and related appliances. Under this programme, with co-operation in good faith by the principal States concerned, all bacterial weapons and all facilities and appliances connected therewith should be completely eliminated from national armaments and their use prohibited.

11. REGULATION, LIMITATION, AND BALANCED REDUCTION OF ALL ARMED FORCES AND ALL ARMAMENTS: Resolution 704 (VII) of the United Nations General Assembly, April 8, 1953²

*The General Assembly,
Recognizing that:*

Under the Charter of the United Nations all States are bound to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered, and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence

¹ See *supra*, doc. 5.

² U.N. General Assembly, *Official Records, Seventh Session, Supplement No. 20A* (A/2361/Add. 1), p. 3.

of any State, or in any other manner inconsistent with the purposes of the United Nations,

The aim of a system of world-wide disarmament is to prevent war and release the world's human and economic resources for the purposes of peace,

1. *Takes note* of the report of the Disarmament Commission;¹
 2. *Reaffirms* General Assembly resolution 502 (VI) of 11 January 1952² and requests the Disarmament Commission to continue its work for the development by the United Nations of comprehensive and co-ordinated plans providing for:

- (a) The regulation, limitation and balanced reduction of all armed forces and armaments;
- (b) The elimination and prohibition of all major weapons, including bacteriological, adaptable to mass destruction;
- (c) The effective international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only;

The whole programme to be carried out under effective international control in such a way that no State would have cause to fear that its security was endangered;

3. *Requests* the Commission to report to the General Assembly and the Security Council no later than 1 September 1953, and hopes that all the members of the Commission will co-operate in efforts to produce constructive proposals likely to facilitate its task.

12. UNITED STATES EFFORTS TOWARD DISARMAMENT: Report to the President by the Deputy United States Representative on the United Nations Disarmament Commission,³ January 12, 1953⁴

In view of your deep and active interest in the development of an effective and comprehensive disarmament program I have thought it would be appropriate for me at this time to make a report to you on the work of the U.N. Disarmament Commission and in particular on the efforts of the United States in close cooperation with other members of the Commission to carry out the mandate of the General Assembly in accordance with the spirit and the principles of the Charter.

The statements and working proposals which have been made on behalf of the United States in the Commission⁵ are the product of the joint efforts of the State and Defense Departments, the Atomic Energy Commission, and the U.S. Mission to the United Nations.

¹ The Second Report of the Disarmament Commission, Oct. 9, 1952 (U.N. doc DC/20).

² *Supra*, doc. 4.

³ Benjamin V. Cohen.

⁴ *United States Efforts Toward Disarmament: Report to the President by the Deputy U. S. Representative on the United Nations Disarmament Commission, January 12, 1953* (Department of State publication 4902; 1953). Letter of transmittal not reprinted here.

⁵ See *supra*, docs. 5, 6, and 10.

The tripartite proposals submitted on behalf of the United States, France, and the United Kingdom represent the joint efforts of all three Governments.¹ The cooperation achieved within our Government and with friendly governments on the Commission has made it possible for us to supply the ideas and materials with which an effective and comprehensive disarmament program may in the future be wrought.

OUR RESPONSIBILITIES UNDER THE CHARTER

It may seem paradoxical to many that we should discuss disarmament in the United Nations in 1952, when the nations of the world are increasing their armaments at an accelerated pace.

But the United States has made it clear in the discussions of disarmament in the United Nations that the burden of armaments has been thrust upon us and is not of our choosing. We have learned that in an armed world we cannot safely rely on unarmed goodwill. But we have made it clear that we would infinitely prefer a world order in which the energies and resources now diverted to armaments could be used to advance human dignity and well-being.

On November 7, 1951, in an address explaining the proposals of the United States, the United Kingdom, and France for the establishment of the U.N. Disarmament Commission, you, Mr. President, stated:

"We are determined to win real peace—peace based on freedom and justice. We will do it the hard way if we must—by going forward, as we are doing now, to make the free world so strong that no would-be aggressor will dare to break the peace. But we will never give up trying for another way to peace—the way of reducing the armaments that make aggression possible."²

Five months later, on April 2, 1952, General Eisenhower, then Supreme Allied Commander in Europe, in his first report to the NATO countries declared:

"Visible and within grasp we have the capability of building such military, economic and moral strength as the Communist world would never dare to challenge. When that point is reached, the Iron Curtain rulers may finally be willing to participate seriously in disarmament negotiations. Then we may see fulfilled the universal hope expressed in the United Nations Charter to reduce 'the diversion for armaments of the world's human and economic resources.'"³

Our position is clear and unequivocal. Until all nations cooperate in good faith in putting into effect a balanced reduction in armed forces and armaments, we must build up and maintain the armed strength of the free world to guard and preserve the peace. But we have shown that we are ready, willing, and eager to work out a comprehensive disarmament program to reduce the danger of war and

¹ See *supra*, docs. 7 and 9.

² See Department of State *Bulletin*, Nov. 19, 1951, pp. 799-803.

³ See *ibid.*, Apr. 14, 1952, pp. 572-579.

the fear of aggression. That is the duty of all member states under the Charter of the United Nations.

Under the Charter, all members have agreed to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered. Under the Charter all members have agreed to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the purposes of the United Nations.

The maintenance of large armaments undermines confidence in the fulfillment of the solemn Charter obligations of member states not to use force or the threat of force as an instrument of national or ideological policy.

But the use of force or the threat of force in international relations cannot be eliminated by unilateral disarmament by any one state or group of states. All states must cooperate.

All members of the United Nations have a responsibility to see that force is used only in self-defense and in the service of the Charter and not as an instrument of national or ideological policy.

Disarmament must be viewed as a means of carrying out the obligations under the Charter not to use force or the threat of force for settling disputes among nations. The objective of a disarmament program must be to prevent war, not to regulate the armaments used in war. We have tried to make clear that the United States does not accept war as inevitable; that the job is to reduce the likelihood of war by insuring that no nation possesses the means to commit a successful act of armed aggression. The aim is to reduce the likelihood of war by reducing the possibility of war and armed aggression.

In its efforts towards disarmament, the United States has concentrated single-mindedly on the root problem, the prevention of war itself. When men fight to kill it is hard to regulate the manner of killing. True humanitarianism as well as realism supports the view that the only practical way to eliminate the horror of war is to eliminate war itself.

That of course does not mean that we are uninterested in examining the rules for the conduct of war or in finding better ways to protect civilians and prisoners should war occur. But in developing a disarmament program we must strive not to codify the rules of warfare but to reduce the possibility of war.

Responsible statesmen cannot rely upon paper promises which provide no assurances of their observance. We cannot make genuine progress toward disarmament by piecemeal attempts to forbid the use of individual weapons without safeguards designed to give assurance that such weapons will not be available for use. We have therefore urged in the United Nations that efforts be directed toward a comprehensive disarmament program which will insure that nations do not retain in their military establishment armed forces and armaments in types or in volume beyond those required for self-defense and to meet their Charter responsibilities. Forces and weapons not expressly permitted should be eliminated under effective international

safeguards sufficient to remove the possibility and fear of prohibited forces or armaments being available for use.

The most solemn promise in the history of international relationships is that contained in the Charter against the threat or use of force of any kind in any way in international relations contrary to the purposes of the Charter. A disarmament program should provide the safeguards necessary to assure that no state will be in a position to break this solemn promise. No lesser promise can be relied upon if that most solemn promise is broken. A state which would flout the Charter to make war cannot be relied upon to honor any lesser promise as to how it will wage war.

This is the framework within which we have undertaken in the Disarmament Commission our Charter responsibility "for formulating . . . plans . . . for the establishment of a system for the regulation of armaments."

EARLY EFFORTS TOWARD DISARMAMENT

At the time the Charter was adopted, Nazi and Japanese aggression had been crushed. We looked forward to a peaceful world. We sought to cooperate to relieve the peoples of the world of the fear of war and the burden of armaments.

Relying on the good faith of the Soviet Union and its promises to fulfill its Charter and treaty obligations, we demobilized our armed forces.

We did even more. Less than a year after the momentous discovery by the United States of the war potential of the atom, we proposed that the United Nations undertake to develop an effective plan for the international control of atomic energy which would insure its use for peaceful purposes only. Within the same year the United States presented to the United Nations Atomic Energy Commission the basic principles of a constructive plan for the effective international control of this new force which would make possible and encourage its use by all nations for peaceful purposes.¹ These principles with minor modifications were accepted as a working basis by the General Assembly of the United Nations in the fall of 1946, and a plan based on these principles received the overwhelming endorsement of the Assembly in 1948.² The plan may not be perfect. Possibly it can be improved upon. But we can be very proud of the part we have played in working out the U.N. plan for the control of atomic energy. We are confident this plan could do the job of controlling effectively the atomic weapon and other related weapons as well, since its contemplated procedures actually encompass the entire field of atomic energy.

In 1946, when we first suggested the basic principles of the plan, we had hoped that if general agreement could first be reached on a plan for the effective international control of this new force of atomic energy, with its tremendous possibilities for good or for evil, then, in an atmosphere of mutual confidence and good will, agreement on the

¹ See statement of June 14, 1946, by the U.S. Representative before the U.N. Atomic Energy Commission; *A Decade of American Foreign Policy*, pp. 1079-1087.

² See U.N. General Assembly Res. 191 (III) of Nov. 4, 1948; *ibid.*, pp. 1122-1123.

other essential parts of a comprehensive disarmament program would not be difficult of accomplishment. That was the reason why we thought in the early days of the disarmament discussions in the United Nations it would be better not to merge the discussions of conventional armaments with the discussions of atomic-energy control.

In the Commission for Conventional Armaments the United States, France, and the United Kingdom placed great stress on the development of a system for the disclosure and verification of armed forces and armaments.¹ We believed then, as we believe now, that such procedures generate mutual confidence necessary for any program of guaranteed disarmament. If disarmament is to be considered seriously and not merely as an instrument of propaganda, statesmen responsible for the peace and security of their countries cannot rely on paper promises to disarm, but must have assured means of knowing that promises made are kept.

Unfortunately our hope that progress in the field of atomic energy would stimulate progress in the field of conventional arms proved unfounded. Progress was stalled at a dead center in both commissions. In the Atomic Energy Commission the Soviet Union rejected the control features of the plan which had been developed on the basis of the U.S. proposals and itself presented no acceptable alternative. In the Conventional Armaments Commission the Soviet Union rejected the proposals for a system for the disclosure and verification of armed forces and armaments because it did not include atomic armaments. In an effort to break this deadlock, at the fifth session of the General Assembly you, Mr. President, suggested a new approach to the task of disarmament by merging the work of the Atomic Energy Commission and the Commission for Conventional Armaments.² As you recall, our hope was that the valuable preliminary work done in both fields could be preserved and that the new framework might be helpful in meeting the objections of the Soviet Union.

DISARMAMENT RESOLUTION OF JANUARY 11, 1952

At the sixth session of the General Assembly, the United Kingdom, France, and the United States joined in proposals to set up a new commission with a broad mandate to develop comprehensive and coordinated plans for the regulation, limitation, and balanced reduction of all armed forces and armaments including atomic. To pave the way for fresh efforts to reach realistic agreements, the proposals stressed the fact that a genuine system for disarmament must include all kinds of armed forces and armaments, must be accepted by all nations whose military resources are such that their failure to accept would endanger the system, and must include safeguards which will insure compliance by all nations.

By an overwhelming vote on January 11, 1952, the sixth General Assembly passed a resolution³ based on the proposals of the three Governments. The resolutions established a Disarmament Com-

¹ See *supra*, docs. 1 and 2.

² See *supra*, pp. 345-350.

³ Res. 502 (VI); *supra*, doc. 4.

mission, composed of the members of the Security Council plus Canada, and directed the Commission to prepare draft proposals to be embodied in a treaty or treaties for submission to a conference of all states, concerning—

Regulation, limitation, and balanced reduction of all armed forces and all armaments;

Elimination of all major weapons adaptable to mass destruction;

Effective international control of atomic energy to insure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only, with the present U.N. plan being used as the basis for the Commission's considerations until a better or no less effective plan is devised;

Progressive and continuing disclosure and verification of all armed forces and all armaments, including atomic, the implementation of such a scheme being recognized as a first and indispensable step in carrying out the disarmament program;

Methods for fixing over-all limits and restrictions on all armed forces and armaments, and for determining the allocation within their respective military establishments of the permitted national armed forces and armaments;

The establishment of an international control organ (or organs) to insure the implementation of the treaty or treaties; and

An adequate system of safeguards to insure observance of the disarmament program.

THE DISARMAMENT COMMISSION

As a member of the Disarmament Commission, the United States has put forward every effort to carry out the mandate of the General Assembly. The United States, individually and in collaboration with France and the United Kingdom, has placed before the Disarmament Commission working papers and proposals which we believe provide a working basis and broad outline for a practical and comprehensive disarmament program. In the development and consideration of these proposals we had constructive assistance and cooperation from all members of the Commission with the exception of the Soviet Union. It might be illuminating to review the principal suggestions we made in the Disarmament Commission.

Essential Principles for a Disarmament Program

On April 24, 1952, the United States introduced a paper setting forth what we considered "Essential Principles for a Disarmament Program"¹ (DC/20, pp. 83-84). It represented an attempt to clarify and agree on objectives and principles which we believed should guide the Disarmament Commission in developing the details of a comprehensive disarmament program.

We were influenced to present these principles and objectives at the outset because of the insistence of the Soviet Union that we could

¹ See *supra*, doc. 6.

make no progress until we took certain decisions on principles. The Soviet representatives had argued in the Commission, as they have argued in past General Assemblies, that the United States was opposed to any general reduction in armed forces and armaments because the United States was unwilling to accept the Soviet proposals that immediate decisions should be taken to reduce by one-third the armed strength of the great powers and to prohibit the use of atomic weapons and other weapons of mass destruction.

The record is clear that the United States is dedicated to the goal of significantly reducing armaments and effectively eliminating atomic weapons from the world's arsenals. The United States rejected the Soviet proposals for the same reasons which caused the General Assembly repeatedly to reject them, because they are not contrived to achieve a balanced reduction in armed strength or to provide safeguards which would insure their observance. In fact, they would clearly result in a dangerous imbalance of strength in favor of the Soviet Union and other states having mass armed forces. We were confident that our statement of principles would clearly demonstrate that the United States actively favors a truly balanced reduction in over-all armed strength, which would include the elimination of mass armed forces as well as all weapons of mass destruction. That we are opposed to is paper agreements or paper decisions which provide no tangible safeguards or assurances of their observance.

Responsible nations cannot morally or legally bind themselves to arm on the basis of a decision in principle—on the basis of paper promises and without adequate and unequivocal safeguards to protect them from the hazards of violations and evasions. But if there could be agreement in advance on the objectives and principles which could govern a comprehensive and coordinated disarmament program, such agreement should greatly simplify the main and primary task of agreeing on specific and practical measures for arms reductions and eliminations, and concrete and workable safeguards to carry out these principles and objectives.

With this hope of facilitating the work of the Commission, the United States submitted its paper on "Essential Principles for a Disarmament Program."

For the most part these principles, summarized below, derive from the Charter and the resolutions of the General Assembly.

1. The goal of disarmament is not to regulate the armaments to be used in war, but to prevent war by relaxing the tensions and fears created by armaments and by making war inherently, as it is constitutionally under the Charter, impossible as a means of settling disputes between nations.

2. To achieve this goal, all states must cooperate to establish an open and substantially disarmed world

- (a) in which armed forces and armaments will be reduced to such a point and in such a thorough fashion that no state will be in a condition of armed preparedness to start a war, and

(b) in which no state will be in a position to undertake preparations for war without other states having knowledge of such preparations long before an offending state could start a war.

This principle of an open and substantially disarmed world stems from the fourth freedom, freedom from fear, which President Roosevelt proclaimed in 1941.¹ It was President Roosevelt himself who translated freedom from fear in world terms to mean "a world-wide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor—anywhere in the world."

If we want a disarmed world, we must insist that all states refrain from the use of force or the threat of force as an instrument of national or ideological policy. An effective disarmament program must be conceived with a determination to strengthen the peace and reduce the possibility of war, not as a haggling process to determine the kinds of arms which may be used in the next war or to gain a strategic advantage at the start of the next war or to reduce the costs of preparing for war. If we want to make progress towards disarmament, states must come to rely for their strength, as for their welfare, not on the number of battalions or weapons they have ready to unleash on a moment's notice, but on the health, happiness, and economic efficiency of their people in peacetime.

The other four principles which we enumerated in our paper refer to the nature of the international agreements necessary to progress toward the disarmament goals mentioned in our first two principles.

3. These international agreements must bind all states to reduce their armed forces to levels and restrict their armaments to types and quantities no more or greater than may be necessary for the maintenance of internal order and the fulfillment of their obligations to maintain peace and security in accordance with the Charter.

4. These international agreements must provide a comprehensive and coordinate disarmament program, balanced throughout the process of reduction so as to avoid any disequilibrium of power dangerous to the peace and envisaging the progressive and concurrent elimination of mass armed forces and all instruments adaptable to mass destruction, including atomic and bacteriological.

5. These international agreements must provide effective safeguards to insure that all phases of the disarmament program are carried out. In particular, the elimination of atomic weapons must be accomplished by an effective system of international control of atomic energy to insure that atomic energy is used for peaceful purposes only.

6. The safeguards provided in these international agreements must include an effective system of progressive and continuing disclosure and verification of all armed forces and armaments including atomic, to achieve the open world in which alone there can be effective disarmament.

¹ Message to Congress of Jan. 6, 1941; *A Decade of American Foreign Policy*, p. 1.

We not only outlined the principles and objectives of a comprehensive disarmament program. We submitted a number of working papers making concrete suggestions as to how they could be carried out in practice.

System of Disclosure and Verification of All Armed Forces and Armaments

The General Assembly resolution had directed the Disarmament Commission to consider from the outset plans for progressive disclosure and verification, the implementation of which was recognized as a first and indispensable step in carrying out the disarmament program envisaged by the resolution. In order to assist the Commission in complying with this directive, the United States submitted to the Commission on April 5, 1952, a working paper containing "Proposals for Progressive and Continuing Disclosure and Verification of Armed Forces and Armaments"¹ (DC/20, pp. 30-42).

A system of progressive and continuing disclosure and verification is, as the General Assembly has declared, an essential part of any plan for "guaranteed disarmament." Such a system is necessary to provide the basis for effective safeguards and realistic controls to insure that agreed disarmament becomes actual disarmament.

The system of disclosure and verification suggested in the U. S. working paper is continuing, progressive, and complete, and would, under competent international control, provide advance warning against violations. The system covers all armed forces and all armaments, including atomic from the very start.

We suggested that disclosure and verification should be carried out progressively, step by step. We suggested the system should proceed by stages not because we wanted to proceed at a snail's pace but because we know that in the present state of world tension no state would tear the veil of secrecy from its most carefully guarded security arrangements unless it could be satisfied that all states are proceeding with the same good faith and the same understanding and at the same pace. The concept of stages is introduced not to delay and obstruct, but to facilitate and expedite progress and to establish confidence.

Our paper suggested five stages in all, each stage to follow when the previous stage has been satisfactorily completed. This concept of stages was intended to protect all states in the event of a serious violation or collapse of the program by providing a check on the good faith of other states. The disclosure and verification system, we believe, should proceed from the less secret to the more secret information, both to prevent premature disclosure of more secret information until substantial cooperation and good faith had been demonstrated through the working of the previous stage, and also because the less secret information can be more readily verified. We sought to provide that the information disclosed in the atomic field at successive stages should be approximately parallel to the information disclosed in the nonatomic field.

¹ See *supra*, doc. 5.

We have tried to make the first step in both fields a meaningful stride toward the goal of confidence. The first stage would disclose in breadth, although not in depth, the general contours of the military establishments of all nations. And the first stage includes so much information of a quantitative nature that the disclosures in the atomic field, for example, would give a clear indication of existing atomic strength—our own and that of other countries. That first stage calls for a verified report on the existing strength of all armed forces as well as on the location of installations and facilities required for the production of armaments of all types, including atomic. The successful completion of this first stage would do more to inspire international confidence and reduce tensions than any amount of words could ever accomplish.

The second stage would provide detailed information on the organization of armed forces and on the installations and facilities supplying the basic materials required to produce all armaments, including atomic. The third stage would give detailed information on armaments (except novel armaments which were not in general use by the end of World War II but are in volume production today), as well as detailed disclosure of kinds and amounts of fissionable material, and full data on the operation of installations and facilities which produce armaments and fissionable material. The fourth stage would give information in detail concerning the installations and facilities used to produce novel armaments, including atomic weapons. And the fifth stage would provide detailed disclosure of the novel armaments themselves and of atomic weapons.

The Soviet representative in the Disarmament Commission refused to give serious attention to our working paper on disclosure and verification and at the same time failed to submit any alternative proposals of his own to carry out the directions of the General Assembly that plans for disclosure and verification be considered from the outset. The Soviet representative characterized our effort to develop a workable system of disclosure and verification as a gigantic intelligence and espionage operation bearing no relation to disarmament. It is true, of course, that states have become so accustomed to living in the dark that they have become suspicious of the light. But it is truly impossible to see how, in our imperfect world, we can make real progress toward disarmament so long as the Soviet Union is unwilling even to consider means of moving toward agreement on a workable, continuing, progressive process of disclosure and verification. Responsible governments cannot be expected to agree to cut down their own defenses unless through an effective disclosure and verification process they are reliably informed as to where such cuts will in fact leave them in relation to the armed forces of other countries.

The Soviet representative on the Commission also criticized our proposals on the ground that the atomic disclosures were relegated to a remote and indefinite stage. Actually there is a considerable amount of atomic disclosure in the very first stage. But the Soviet representative seemed more concerned to find reasons for rejecting our proposals than to open up any avenues for possible agreement.

We recognized that there might be differences as to the stages and the speed with which the program passes from one stage to another. We contemplated that as soon as one stage was finished the next would begin. We believed that with genuine cooperation on the part of all states, all the stages could be completed within 2 years. The purpose of providing stages was to facilitate the process by creating confidence. In order that there be mutual confidence, there must be disclosure by degrees so that all nations are free of the fear that one nation is getting more knowledge than another or that the process is in any way inequitable.

We tried, in submitting the plan, to make clear that it was a working paper, that we were open to suggestion, and that we wanted to find out what sort of safeguards we could collectively devise. We tried to make it clear that the proposed system of disclosure and verification was not intended to exclude or delay reductions in armed forces and armaments or eliminations of weapons adaptable to mass destruction, but on the contrary was intended to provide the necessary ground work for such reductions and eliminations.

Ceilings on All Armed Forces

On May 28, 1952, the United States, the United Kingdom, and France submitted to the Disarmament Commission proposals suggesting the fixing of numerical limits on all armed forces of all states¹ (DC/20, pp. 125-130).

The tripartite working paper of May 28 made clear that we are prepared to grapple earnestly and sincerely not only with the problems of safeguards but with substantive measures to secure drastic and balanced reductions in armed strength.

The tripartite working paper of May 28 dealt with one of the essential parts, in some ways the most important part, of a comprehensive disarmament program: the manpower strength of the armed forces.

A nation's armed forces are not the only measure of its armed strength. Other elements must be dealt with in any comprehensive disarmament program. But aggressors are not likely to go to war without the armed forces necessary to insure the successful accomplishment of their aggressive purposes. All armaments depend upon manpower, and their effectiveness in varying degrees is affected by the armed forces available to use them. A substantial and balanced reduction of armed forces should greatly lessen the likelihood and fear of war. If even tentative agreement could be reached on the ceilings to be placed on permitted armed forces, we felt that would greatly facilitate efforts to agree on reducing and restricting the quantities and types of permitted armaments.

Our tripartite working paper suggested fixed numerical ceilings on the armed forces of the United States, the U.S.S.R., China, the United Kingdom, and France. As a basis for discussion, it proposed equal maximum ceilings of between 1,000,000 and 1,500,000 for the

¹ See *supra*, doc. 7.

United States, the U.S.S.R., and China, and equal maximum ceilings of between 700,000 and 800,000 for the United Kingdom and France. The reductions proposed were substantial and balanced. They sought to avoid a disequilibrium of power dangerous to international peace in the relations of the great powers among themselves or with other states, and thus to reduce the danger of war. The reductions for the United States and, we assumed, for the U.S.S.R. and China would be well over 50 percent. We felt if that could be secured there would be less likelihood of any powerful country being in a position where others would fear its readiness for war or its capability for a surprise attack.

The tripartite working paper also suggested that there should be agreed maximum ceilings for all other states having substantial armed forces which should be fixed in relation to the ceilings agreed upon for the Five Powers. The ceilings would be fixed in these cases also with a view to avoiding a disequilibrium of power dangerous to international peace and security in any area of the world, and thus reducing the danger of war. We contemplated that the ceilings would normally be less than 1 percent of the population and would normally be less than the current levels. But we recognized that there would be special cases requiring different treatment and that there is no one automatic formula which can be rigidly applied in all cases. The basic objective must be the avoidance of any imbalance of power dangerous to the peace.

Many of the present difficulties both in Europe and in Asia spring from an imbalance of armed strength which causes some nations to feel that they live only by leave or grace of their more powerful and none too friendly neighbors. If a balanced reduction of arms is to reduce both the fear and danger of aggression it must take into account the balance of armed strength of the most powerful states not only in relation to one another but also in relation to their neighbors.

The numerical limitations proposed were flexible and were not intended to be final or exhaustive. They were offered not as fixed limitations but as tentative standards to serve as a basis for discussion and negotiation.

These proposals stressed one of our fundamental objectives in the disarmament field. We would eliminate as far as possible the danger of resort to war by reducing the practicability of successful aggression. Genuine enforcement of agreed levels of armaments would prevent excessive concentrations of military power which endanger peace and security.

We believed our proposals to be eminently fair and deserving of study. It was a great disappointment to us that the Soviet representative in the Disarmament Commission gave them scant consideration and denounced them as cynical and hypocritical. The Soviet representative also criticized and misrepresented them on the ground that they did not deal with the distribution of the permitted armed forces among the various services nor provide for the limitation of

armaments and the prohibition of weapons of mass destruction. He ignored the fact that our working paper and our statements in the Commission made clear that our paper was intended to deal with only one aspect of a comprehensive disarmament program and that the other essential components which he mentioned were to be dealt with before we concluded our work. But unfortunately the Soviet representative again showed more concern to find reasons for rejecting our proposals than to find possible avenues toward agreement.

Distribution of Armed Forces and Limitations on Types and Quantities of Armaments

On August 12, 1952, the United States again joined with France and the United Kingdom in submitting a tripartite supplement to the tripartite working paper on ceilings for the armed forces¹ (DC/20, pp. 162-164).

In this supplement we proposed to prevent undue concentration of the permitted armed forces in particular categories of service and to limit armaments in types and quantities to those necessary and appropriate to support permitted armed forces. We suggested practical procedures to facilitate the development of mutually agreed programs to accomplish these purposes and to bring all essential components of these programs into balanced relationship.

We specifically suggested that if our proposals for fixing numerical limitations on all armed forces were accepted and the powers principally concerned were prepared to undertake in good faith serious negotiations looking towards their implementation, arrangements might be made for a conference of the Five Great Powers which are permanent members of the Security Council with a view to reaching tentative agreement among themselves by negotiation on—

The distribution by principal categories of the armed forces that they would consider necessary and appropriate to maintain within the agreed ceilings proposed for their armed forces;

The types and quantities of armaments which they would consider necessary and appropriate to support permitted armed forces within the proposed numerical ceilings;

The elimination of all armed forces and armaments other than those expressly permitted, it being understood that all major weapons adaptable to mass destruction should be eliminated and atomic energy should be placed under effective international control to insure its use for peaceful purposes only.

We further proposed that following a Five Power conference, regional conferences might be held attended by all governments and authorities having substantial military forces in the respective regions. In light of the tentative agreement reached by the Five Great Powers, the regional conference would endeavor to reach similar tentative agreement on the above-mentioned subjects, in-

¹ See *supra*, doc. 9.

cluding agreement on the over-all numerical ceilings for the armed forces of all governments and authorities in the region.

We proposed that all these agreements should be incorporated in a draft treaty comprehending and bringing into balanced relationship all essential components of the disarmament program.

In our paper we recognized that the needs and responsibilities of states are different. Considerable flexibility in negotiation would be necessary to obtain concrete and satisfactory results. The important thing is to obtain the greatest practicable reduction in armed forces and armaments in order to reduce the danger and fear of war, bearing in mind the necessity of avoiding throughout the process of reduction any serious imbalance or disequilibrium of power dangerous to international peace and security in any part of the world.

In order to clarify the concept of balanced relationship between the essential components of a comprehensive disarmament program, the tripartite supplement suggested that the timing and coordination of the reductions, prohibitions, and eliminations should insure that there would be balanced reductions of over-all armed strength at all stages throughout the disarmament process until the agreed limits are reached. In particular, the initial limitations or reductions in armed forces and in permitted armaments should commence at the same time as the first steps toward the elimination of prohibited armaments, with synchronization throughout the process. The elimination of prohibited armaments would cover the elimination of all major weapons adaptable to mass destruction, whatever their nature, including the elimination of atomic weapons as the result of an effective system of international control of atomic energy. In order to oversee the job, the tripartite supplement proposed that an international control authority should be established at the commencement of the program, assuming progressively its functions to insure the carrying out of these limitations, reductions, curtailments, and prohibitions.

This concept of synchronization throughout the disarmament process is necessarily stated in general terms, for the details depend upon working out the specific reduction process in each field. Of course the United States, France, and the United Kingdom do not seek to gain any advantage, imagined or real, which might give the preponderance of military power to the West at the expense of other powers.

The synchronization of the disarmament process must be designed to further the concept of balanced reduction which avoids a disequilibrium of power. It applies to atomic weapons, to artillery, to bacteriological weapons, to mass armies.

In this context, as throughout the entire program, effective and balanced disarmament must be viewed as a means of reducing the danger and fear of war, not as a bargaining process to obtain strategic advantages in event of war.

Unfortunately, the Soviet representative on the Disarmament Commission refused to accept the tripartite working paper with the supplement, even as a basis of discussion.

International Control of Atomic Energy

The United States has always considered that a system for the effective international control of atomic energy is an indispensable component of any disarmament program.

The United States took a leading part in developing the U.N. plan for the control of atomic energy.¹ That plan was the product of a thorough study in the U.N. Atomic Energy Commission. It was approved by an overwhelming vote in the General Assembly.² It should be reiterated that the U.N. plan would provide for elimination and prohibition, through effective international control procedures of all the various types of weapons based on the release of atomic energy, and the plan's references to control of atomic energy should be read throughout in that light.

The General Assembly at its last session directed the Disarmament Commission to use the U.N. plan as the basis of the Commission's deliberations until a better or no less effective plan is devised. The General Assembly further directed the Commission to consider any proposals regarding atomic-energy control which might be submitted to it.³

The United States has continued to support the U.N. atomic-energy plan as the best plan presently available. But we made it clear in the Disarmament Commission that in no sense do we regard the plan as immutable and incapable of change and improvement. The United States reaffirmed its willingness to examine seriously and with an open mind any proposals for atomic control which might be presented.

We did more. In our working paper proposing a continuing and progressive system of disclosure and verification of armed forces and armaments, the United States expressly included atomic armaments.⁴ The system of disclosure and verification proposed lays the ground work for continuing inspection. Other elements of control are of course very important and necessary in the field, but any plan must include a process of continuing inspection. Any international system for the control of atomic energy, whatever its nature, must involve extensive disclosure and verification as part of a process of continuing inspection.

The Soviet Union has rejected the U.N. atomic-energy plan, but has proposed no acceptable alternative. It has objected particularly to the ownership and other control features of the U.N. plan, contending that control should involve only continuing inspection. But in the Disarmament Commission the Soviet Union has refused to explain in any detail the kind of continuing inspection plan which would be

¹ Parts II C and III of the First Report of the U.N. Atomic Energy Commission *A Decade of American Foreign Policy*, pp. 1107-1110) and Part II of the Commission's Second Report (*ibid.*, pp. 1111-1118).

² See Res. 191 (III) of the U.N. General Assembly, Nov. 4, 1948; *ibid.*, pp. 1122-23.

³ See *supra*, doc. 4.

⁴ See *supra*, doc. 5.

acceptable to it, and it was unwilling even to consider our suggestions for continuing disclosure and verification in the atomic field or any other field.

The concept of disclosure and verification which includes continuing inspection provides an indispensable first step in laying the ground work for any control plan in the atomic field. Until the Soviet Union is willing to consider this concept little progress can be made toward determining what other elements of control, those contained in the U.N. plan or others, may be necessary. We are interested in controls not for the sake of controls nor as an end in itself. We are interested in controls as a necessary means for effectively eliminating atomic weapons from national arsenals.

Elimination of Weapons Adaptable to Mass Destruction, Including Bacteriological Weapons

The United States made clear in the Disarmament Commission that in its view a comprehensive disarmament program should include not only the effective international control of atomic energy to insure the elimination of atomic weapons and the use of atomic energy for peaceful purposes only but the elimination of all major weapons adaptable to mass destruction, including bacteriological weapons. This position we reiterated in our proposal on essential principles and in both the tripartite proposal and supplement.¹

Beginning with the very first meeting of the Disarmament Commission in New York the Soviet Union sought to poison the atmosphere of the Commission and obscure the clear and unequivocal position of the United States on this subject by making false and sensational charges that U.S. troops were conducting germ warfare in Korea and China. The Soviet Union sought to leave the false impression that the United States was opposing any effort in the United Nations to devise ways and means of eliminating bacteriological weapons as a part of a disarmament program.

The monstrously false charges regarding the use of germ warfare in Korea and China, which were completely irrelevant to the disarmament discussions, were categorically denied by the Unified Command and by the highest U.S. officials. The United States invited the International Committee of the Red Cross to investigate the charges. But the North Korean authorities and the Chinese Communist authorities ignored the offer of the International Committee of the Red Cross to make an investigation. When the United States sought to have the Security Council request the Red Cross to make such investigation, the Soviet Union vetoed the proposal.²

On August 15, 1952, I made in the Disarmament Commission a statement³ fully explaining the position of the United States on bacteriological disarmament and in particular on the adequacy of the

¹ See *supra*, docs. 6, 7, and 9.

² See *supra*, pp. 2668-2669.

³ See Department of State *Bulletin*, Aug. 25, 1952, pp. 294-297.

Geneva protocol¹ as a means of securing bacteriological disarmament. I tried to make clear our conviction that the objectives of the protocol could not be more worthy or laudable, *but*—and this cannot be repeated too often—that the protocol does not provide security against the manufacture, the stockpiling, and the use of bacteriological weapons. The Soviet representative placed great stress on the Geneva protocol in the Disarmament Commission and it was brought to the attention of the Seventh General Assembly in the item introduced by the Polish representative which as of this writing has not yet been considered. It might be useful to repeat here certain portions of my statement of August 15 to the Disarmament Commission:

“It would be a grave mistake to assume that, because the United States has not ratified the Geneva protocol, the United States is opposed to the general objective of the treaty, the effective outlawing of poisonous gas and biological weapons directed against human beings. . . .

“Our sympathy with the general objective of the Geneva protocol should not blind us to the fact that intervening events have demonstrated the protocol to be inadequate and ineffective to achieve its objective. The hope entertained at the end of World War I that states could rely upon treaty promises and treaty declarations without safeguards to insure their observance has turned out to be illusory. Mussolini was no more deterred from using poisonous gas in Ethiopia in the 1930's by the Geneva protocol, which Italy had accepted, than was Germany deterred from using poisonous gas in World War I by the Hague conventions,² which Germany had accepted.

“It was shocking to hear the Soviet representative in the Security Council suggest that Hitler was deterred from using poisonous gas and bacteriological warfare in World War II by the Geneva protocol, when we know that Hitler and his henchmen adhered to no treaty or law of God or of man which they believed they could successfully ignore. Would the Soviet representative have us believe that the men who consigned defenseless women, old men, and little children to the gas chambers would have respected the Geneva protocol, save for their fears of reprisals? Winston Churchill did not think so. Marshal Voroshilov did not think so when he stated on February 22, 1938:

“Ten years ago or more the Soviet Union signed a convention abolishing the use of poison gas and bacteriological weapons. To that we still adhere but if our enemies use such methods against us I tell you we are prepared and fully prepared to use them also and to use them against aggressors on their own soil.’ . . .

¹ Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous, or Other Gases, and of Bacteriological Methods of Warfare, June 17, 1925; League of Nations Treaty Series, vol. 94, pp. 65-74. The United States did not ratify this protocol.

² Article XIII of the Annex to the Hague Convention of July 29, 1899, forbade belligerents to employ “poison or poisoned arms”. This provision was also incorporated in article XXIII of the Hague Convention of Oct. 18, 1907; *Treaties, Conventions, International Acts, Protocols and Agreements Between the United States of America and Other Powers, 1776-1909*, vol. II, William M. Malloy, ed. (Washington, 1910), pp. 2052 and 2285.

those promises stands in the way of their accomplishing their aggressive designs.

"If men fight to kill, it is not easy to regulate how they shall kill. Moreover, there is the danger that if we prohibit the use of some weapons, even more hideous weapons may be discovered and used. We want to eliminate, and we have submitted proposals for the elimination of, all weapons which are not expressly permitted as necessary and appropriate to support the limited number of armed forces which may be permitted to states to maintain public order and to meet their Charter obligations.

"In civilized communities the deliberate and unprovoked killing of man by man is murder regardless of the kind of weapon used to kill. In a civilized world, deliberate and unprovoked aggression which causes the killing of masses of men should be regarded as mass murder regardless of the kinds of weapons used. That is the theory of the Charter of the United Nations and that is the rule of law which we here in the Disarmament Commission should seek to implement. That is the way we can best attain the unrealized objective of the Geneva protocol.

"All members of the United Nations have agreed to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the purposes of the United Nations. The United States as a member of the United Nations has committed itself, as have all other members, to refrain from not only the use of poisonous gas and the use of germ warfare but the use of force of any kind contrary to the law of the Charter. And by that commitment the United States intends to abide and has a right to expect other members to abide. The United States condemns not only the use of germ and gas warfare but the use of force of any kind contrary to the law of the Charter.

"Let it not be said that there is no way to determine when force is being used contrary to the law of the Charter. If the Security Council does not act, the sentiments of the civilized world can be recorded in the General Assembly as the Uniting for Peace resolution¹ provides.

"We hope here in this Disarmament Commission to agree upon measures of disarmament to reduce the possibility of aggression and make war inherently, as it is constitutionally under the Charter, impossible as a means of settling disputes between nations. That is why throughout our discussions, as representative of the United States, I have insisted that we must approach the problem of disarmament from the point of view of preventing war and not from the point of view of regulating the armaments to be used in war. . . .

"My Government hopes we are going to work out here measures of disarmament as a means of preventing war. My Government does not believe that we should interrupt this work to inform any would-be aggressor state, which may contemplate using force contrary to its Charter commitments, what kind of force law-abiding states will or will not use to suppress aggression.

¹ Res. 377 (V) of the U.N. General Assembly, Nov. 3, 1950; *supra*, pp. 187-192.

"We have pointed out that the Soviet Union and other states which ratified the Geneva protocol reserved the right to employ poisonous gas and germ warfare in reprisal. We have pointed out that the Soviet Union and other states which have ratified the Geneva protocol have conducted research work and made other preparations for the use of poisonous gas and bacteriological warfare. In view of the proved inadequacies of the Geneva protocol we do not criticize the Soviet Union or other states parties to the protocol for these precautionary measures.

"But we do criticize the . . . Soviet Union for attacking the United States for taking the same precautionary measures. We do criticize and condemn the . . . Soviet Union for making false charges that the United States is using bacteriological warfare in Korea. We do criticize and condemn the . . . Soviet Union for conducting a hate-mongering campaign against the United States, which is, as I have previously stated, sadly reminiscent of Hitler's hate-mongering campaign against the Czechs before Munich.

"We do not criticize the humane and worthy objective of the Geneva protocol. But we do not trust the promises of those who forswear on paper the use of germ warfare save in reprisal and then make deliberate and false charges that others are using germ warfare. We do not trust the paper promises of those who bear false witnesses [*sic*] against their neighbors. We do not trust the paper promises of those who do not hesitate to break their treaty promises when it serves their ideological ends. We have no reason to believe that those who have made deliberately false charges against us would have been loath to make the same false charges against us if we had ratified the Geneva protocol. And that is particularly true when their false charges provide false excuses for breaking their own promises on alleged grounds of reprisals.

"Our purpose is not to discredit the worthy objective of the Geneva protocol but to find means adequate and effective to attain its objective. The United States has never used germ warfare. The United States has never used gas warfare save in retaliation in the First World War when it was first used by Germany. In the last World War, President Roosevelt condemned the use of poisonous gas and issued strict orders that it should not be used except in retaliation. The United States has not used gas or germ warfare in Korea. The charges that it has are monstrous falsehoods and those that make them are unwilling to have them investigated by an impartial body. The record of the United States is clear and clean, and no state that keeps its Charter obligations has anything to fear from the United States in this regard.

"It is not without significance that in both of the two wars in the Twentieth Century in which poison gas was used, its use was inaugurated by states which had bound themselves on paper not to use it. If the history of the last half century teaches us anything, it teaches us that aggressor states which start wars in violation of their treaty obligations cannot be trusted to keep their paper promises regarding the methods of waging wars if they find that the keeping of

"I hope my remarks will not be misunderstood. We are issuing no ultimatums. We are making no threats. We will support effective proposals to eliminate all weapons adaptable to mass destruction, including atomic, chemical, and biological weapons from national armaments. We believe, as the Soviet delegation maintained in 1932, that paramount importance should be attached, 'not to the prohibition of chemical weapons in war time, but to the prohibition of chemical warfare in peace time' and that 'efforts should be directed not so much to the framing of laws and usages of war as to the prohibition of as many lethal substances and appliances as possible.' . . .

"Certainly there is no assurance that aggressors, which break their Charter obligations not to go to war, will keep their paper promises not to fight with certain weapons if they have them and need them to achieve their evil designs.

"The task of the Disarmament Commission is, as the United States points out in its proposals setting forth the Essential Principles of a Disarmament Program,¹ to devise measures to insure that 'armed forces and armaments will be reduced to such a point and in such a thorough fashion that no state will be in a condition of armed preparedness to start a war' and that 'no state will be in a position to undertake preparations for war without other states having knowledge of such preparations long before the offending state could start a war.' We do not believe that it is the function of the Disarmament Commission to attempt to codify the laws of war. But obviously if it attempted to do so it would have to deal with the whole range of weapons and methods of warfare to be prescribed, the machinery necessary to secure the observance of the rules, and the matter of sanctions, reprisals, and retaliation in case of violation."

It should be emphasized that it was the Soviet Union which in 1928 proposed an additional protocol which would outlaw the methods and appliances utilized to wage poison-gas and bacteriological warfare and the industrial undertakings engaged in the production of the weapons, as well as the use of such weapons. It was the Soviet Union itself which observed, in the Disarmament Conferences in 1932, that mere legal prohibitions are "inadequate and of merely secondary importance." The Soviet delegate said, at that time, "Consequently efforts should be directed not so much to the framing of laws and usages of war as to the prohibition of as many lethal substances and appliances as possible. This is the point of view which the Soviet Union will continue to represent. . . ."

In the U.S. statement of August 15 we outlined a proposal for the elimination of bacteriological weapons and facilities for their production which could be made effective as part of a comprehensive program, a plan which would not merely prohibit the use of bacteriological weapons but would provide assurance and safeguards that such weapons would not be available for use. On September 4, 1952, the

¹ See *supra*, doc. 6.

United States presented a summary of these proposals as a working paper to the Commission¹ (DC/20, pp. 191-192).

The plan we suggested for the elimination of bacteriological weapons and facilities for their production is inseparably connected with an effective and continuous system of disclosure and verification of all armed forces and armaments such as we have proposed. Such a comprehensive system of disclosure and verification would lay the necessary ground work for the elimination of germ weapons and facilities for their use and production, within the framework of a comprehensive disarmament program. It may be true that there are no theoretically foolproof safeguards which would prevent the concoction of some deadly germs in an apothecary's shop in the dark hours of night. But when the United States proposed the establishment of safeguards to insure the elimination of germ warfare along with the elimination of mass armed forces and all weapons adaptable to mass destruction, we sought what is possible and practical, not the impossible. Bacteriological weapons to be effective in modern warfare would require more than the dropping at random of a few infected spiders, flies, or fleas. They would require industrial establishments, facilities for maintaining agents, transport containers, and disseminating appliances. Such arrangements and facilities will not readily escape detection under an effective, comprehensive, and continuous system of disclosure and verification which the General Assembly has declared to be a necessary prerequisite of any comprehensive disarmament program.

We therefore proposed in our working paper of September 4 that at appropriate stages in an effective system of disclosure and verification agreed measures should become effective providing for the progressive curtailment of production, the progressive dismantling of plants, and the progressive destruction of stockpiles of bacteriological weapons and related appliances. Under this program, with cooperation in good faith by the principal states concerned, all bacteriological weapons and all facilities connected therewith could be eliminated from national armaments and thus not only their use but their very existence prohibited.

If we wish to achieve effective disarmament and to reduce the danger and fear of war we must not be content with paper promises not to use weapons of mass destruction. Such promises would only give to treaty-breaking aggressors their choice of weapons. We must see to it that prohibited weapons are not available for use.

The "Phantom" Proposals of the Soviet Union

At the seventh session of the General Assembly the Polish delegation reintroduced the proposals which the Soviet delegation presented to the sixth General Assembly and which that Assembly referred to the Disarmament Commission. These same proposals had been submitted by the Soviet Union to previous assemblies, which refused to accept them, and in the Disarmament Commission the Soviet Union failed to elaborate their proposals or to offer any new arguments in support of them.

The Soviet proposals may be described as "phantom" or "ghost"

¹ See *supra*, doc. 10.

proposals because like ghosts they constantly appear and reappear, but one can never catch hold of them. They are shadowy and elusive, and it is impossible to state precisely just what they are or are intended to be. They call upon the Five Great Powers to reduce their armed forces within 1 year by one-third and to submit full data on their armaments. They call for immediate adoption of a decision on the unconditional prohibition of atomic weapons and other weapons of mass destruction and the establishment of strict international control over the observance of that decision by all states, with the right of the international control organ to conduct inspection on a continuing basis but not to interfere in the domestic affairs of states.

Now inasmuch as no data whatsoever are forthcoming until these decisions are taken, states cannot determine in advance how the reductions which are supposed to be made will leave them in relation to the armed strength of other states. Nor has the Soviet Union ever sought to explain how the simple one-third reduction would be applied to all the complicated components which make up the armed strength of a nation. On their face, the proposals would perpetuate and not remove any imbalance of power which now exists and no machinery is provided for the implementation of even the vague promises called for in the proposals.

Since the proposals call for the prohibition of the atomic weapons and other weapons of mass destruction and only a one-third reduction in conventional armaments, the proposals would in fact enormously increase the relative armed strength of states with large mass armies. The proposals run counter to the basic principles of a balanced reduction in armaments. Certainly the Soviet Union would object if we reversed their proposals and called upon the Soviet Union and all other states to abolish immediately all armed forces and nonatomic armaments, and to reduce existing stocks of atomic weapons by one-third.

While the proposals profess to recognize the necessity of an international control organ having some control over their observance, the Soviet Union has refused not only in the Assembly but in the Disarmament Commission to discuss any concrete measures of international control. While insisting that a U.N. control organ must not interfere in domestic affairs, the Soviet Union has refused to explain what it means by interference in domestic affairs. It has branded any effort on our part to work out a system of disclosure and verification as an intelligence and espionage operation, despite the fact that the General Assembly has declared that such a system is a prerequisite to any program of guaranteed disarmament. It was impossible in the Disarmament Commission to prevail upon the Soviet representative to explain what the Soviet proposals for strict international control meant.

A few instances from the record of the proceedings in the Disarmament Commission will serve to illustrate the evasiveness of the Soviet representative in giving any explanation of the "phantom" Soviet proposals.

On April 4, the representative of France requested the Soviet repre-

native to clarify two points. First, the meaning of the proposal at prohibition and establishment of control should come into effect simultaneously—did it mean that prohibition began the day agreements were signed, or when the control organ was actually in a position to operate? And, second, the precise implications of the proposal at the international control organ undertake “continuous inspection” without interference in the domestic affairs of States—in other words, what constitutes continuous control, and how is it to be limited as not to interfere in domestic affairs?

The Soviet representative replied that the purpose of the questions was to obscure these concrete proposals, since they are abundantly clear to any objective person who has long been acquainted with them and since there is nothing obscure about them. They can only be obscure to someone who does not wish to understand them, is opposing the reduction of armaments and the prohibition of atomic weapons, and for this purpose is still, as before, finding various pretexts.”

The Soviet representative then stated that noninterference was self-explanatory—he termed it “a very clear and precise formulation”—and that simultaneous prohibition and control was also self-explanatory, meaning that the two would be introduced simultaneously (DC/C.1/V.1, pp. 4, 5, 24, 25, 26).

At the meeting on April 9, the representative of the United Kingdom asked if the “decision to announce the prohibition of atomic weapons and the establishment of controls” meant a broad agreement that an organ would be set up, or that a detailed plan for operations, specifying rights and duties of the organ and of states, will have been at that stage accepted by the governments and written into the decision. Regarding the question of interference in domestic affairs, he cited the uniquely restrictive attitude of the U.S.S.R. toward what free societies consider normal practices and asked for a precise understanding of the Soviet proviso. He asked for an unequivocal statement of the Soviet Union’s attitude on this point which we could then discuss dispassionately and objectively.

At the same meeting the representative of Canada repeated the questions his delegation had asked the Soviet representative at the sixth General Assembly, in order to secure the clarification of the Soviet proposals which had not been furnished at that time.

In answering these questions, the Soviet representative repeated in substance Mr. Vyshinsky’s reply at the sixth Assembly to the same questions. He said the questions showed “some conspiracy among delegations not willing to discuss the question of the prohibition of atomic weapons and the question of control.” He went on to say, “The raising of these questions was in itself a device to avoid discussion of the substance of the U.S.S.R. proposals . . . in order to obscure the issue, they bombarded the Soviet Union delegation with questions. That same device is being repeated now. Instead of a definite discussion of the clear-cut U.S.S.R. proposals, artificial questions are being asked . . .” He called it playing at questions and answers.

And at the same meeting, we ourselves asked the Soviet representa-

tive to state clearly his conception of international control. We asked if the Soviet control proposal contemplated national or international ownership of fissionable material, and national or international ownership, operation, and management of facilities producing dangerous quantities of fissionable material. Would the international control organ have the right to station inspectors continuously at any particular installation? Could inspectors be sent wherever and whenever the control organ considered it necessary? Could the control organ "interfere" with the freedom of a state so far as might be necessary to insure that there was no possible evasion or violation?

In reply, the Soviet representative stated it was necessary to agree on principles before replying to our questions. As long as we did not abandon the U.N. plan, there was no point in discussing a system of inspection on a continuing basis. As he said, "This is the fundamental issue, and until we get beyond it there is no point in discussing details of the how, why, and wherefore. . . . Until we clear up this basic question, until we reach agreement on it, there is no point in considering the details."

Similarly, he insisted there must be agreement on a "decision" to prohibit atomic weapons before "discussing details and particular points." (DC/C.1/PV.2, pp. 2, 3, 4, 5, 6, 7, 30, 31, 35, 36.)

On May 8 the representative of France made one more attempt. He asked for a yes or no answer to the question of whether by "continuing inspection" the Soviet representative actually meant that international inspectors could be stationed day and night in all atomic-energy establishments, at all stages of production, so that we are assured that at no stage of production can any quantity of fissionable material, however small, be diverted for the clandestine manufacture of bombs.

The Soviet representative replied, "When the United States and France . . . are prepared to withdraw this obsolete, unacceptable and worthless proposal," meaning the U.N. plan, "then I shall be prepared to give a concrete explanation of how we think control and continuing inspection should be carried out. As long as our approach to the question remains so utterly different, there is no need for me to give any details" (DC/C.1/PV.4, pp. 28, 33).

At the meeting on May 14, the representative of the United Kingdom tried again, asking the same questions, hoping, as he said, to convince the Soviet delegation that its position was genuinely obscure. The Soviet representative replied as before. "The details," he said, "can and should only be discussed when we have reached agreement on the system to be adopted." Until such time as the U.N. plan is abandoned, he said, "it is futile to discuss the details of a system of control on a permanent basis. It would be so much idle talk. That is how the matter stands on this question" (DC/C.1/PV.6, pp. 6, 12).

There were other attempts by members of the Commission to elicit some reasoned explanation of the Soviet proposals. They were all met the same way. The vague and unexplained slogans which constitute the Soviet proposals must be accepted before any details could be given.

The Soviet proposals remain, as they have always been, "phantom" proposals, elusive shadows without substance.

CONCLUSION

Despite the lack of progress toward agreement among the Great Powers on disarmament, we must not be discouraged.

The United States and other members of the Disarmament Commission worked hard to secure a better understanding of the problems which must be met if we are to move toward a disarmed world free from the danger and fear of war. The constructive proposals submitted to the Disarmament Commission during the past year make a significant contribution to the better understanding of these problems.

We do not contend that the constructive proposals thus far presented to the Commission would solve all the problems. They were not intended to be final and definitive in terms or complete and exhaustive in details. They were intended only to provide the basis for discussion and to open up avenues by which we might approach understanding and agreement. To keep the road to understanding and agreement open to new approaches, we sought to avoid freezing our positions or taking inflexible stands.

As the Secretary of State of the United States stated in his opening address in the general debate:

"... disarmament cannot be achieved unilaterally. It cannot be achieved by denunciation in a battle of epithets. It can be achieved only by international agreements under effective safeguards which will protect law-abiding states from the hazards of violations and evasions."¹

The Disarmament Commission cannot force disarmament agreements upon recalcitrant states. It cannot bridge deep and fundamental differences by linguistic sleight of hand. Excessive zeal to obtain agreements which gloss over rather than resolve these differences may even increase the tensions and fears which stand in the way of necessary understanding.

In the interest of world peace it is important to continue, through the Disarmament Commission and in every other way open to us, efforts to develop a better understanding of the problems of armaments, and the significance of disarmament as a means of reducing the danger and fears of war. There is reason to believe that, with the development of better understanding of these problems, the overwhelming common interest of all peoples in peace and the instinct of self-preservation will induce the statesmen of all nations to save their peoples from the horrors of war in the twentieth century. For as new instruments of warfare may be developed which would far surpass previous weapons in terms of sheer destructiveness, it becomes imperative that all nations reexamine their self-interest in these problems. All nations have an equal stake in their solution. For at stake is the survival of our common humanity.

¹ Address of Oct. 16, 1952; Department of State *Bulletin*, Oct. 27, 1952, pp. 639-645.

13. NEW IMPETUS FOR DISARMAMENT: Address by the President of the United States, April 16, 1953 (Excerpt)¹

As progress in all these areas strengthens world trust, we could then proceed concurrently with the next great work—the reduction of the burden of armaments now weighing upon the world. To this end we would welcome and enter into the most solemn agreements. These could properly include:

1. The limitation, by absolute numbers or by an agreed international ratio, of the sizes of the military and security forces of all nations.

2. A commitment by all nations to set an agreed limit upon that proportion of total production of certain strategic materials to be devoted to military purposes.

3. International control of atomic energy to promote its use for peaceful purposes only and to insure the prohibition of atomic weapons.

4. A limitation or prohibition of other categories of weapons of great destructiveness.

5. The enforcement of all these agreed limitations and prohibitions by adequate safeguards, including a practical system of inspection under the United Nations.

The details of such disarmament programs are manifestly critical and complex. Neither the United States nor any other nation can properly claim to possess a perfect, immutable formula. But the formula matters less than the faith—the good faith without which no formula can work justly and effectively.

14. ENDORSEMENT OF THE PRESIDENT'S DISARMAMENT PROPOSALS: Resolution of the United States Senate, July 29, 1953²

Whereas the peoples of the earth are plunged into vast armament expenditures which divert much of their effort into the creation of means of mass destruction; and

Whereas the American people and the Congress ardently desire peace and the achievement of a system under which armaments, except for the maintenance of domestic and international order, will become unnecessary while at the same time the national security of our own and other nations will be protected; and

¹ Department of State *Bulletin*, Apr. 27, 1953, pp. 601-602. For the complete text of this address, see *supra*, pp. 65-71.

² S. Res. 150, 83d Cong., 1st sess. [Unanimously adopted.]

Whereas it is the policy of the Government of the United States to seek the honorable termination of present armed conflicts, and the correction of oppression and injustice and other conditions which breed war; and

Whereas progress in these respects would strengthen world trust so that the nations could proceed with the next great work, the reduction of the burden of armaments now weighing upon the world: Now, therefore, be it

Resolved, That it continues to be the declared purpose of the United States to seek by all peaceful means the conditions for durable peace and concurrently with progress in this respect to seek, within the United Nations, agreements by all nations for enforceable limitation of armament in accordance with the principles set out in the President's address of April 16, 1953,¹ namely—

(1) the limitation, by absolute numbers or by an agreed international ratio, of the sizes of the military and security forces of all nations;

(2) a commitment by all nations to set an agreed limit upon that proportion of total production of certain strategic materials to be devoted to military purposes;

(3) international control of atomic energy to promote its use for peaceful purposes only and to insure the prohibition of atomic weapons;

(4) a limitation or prohibition of other categories of weapons of great destructiveness; and

(5) the enforcement of all these agreed limitations and prohibitions by adequate safeguards, including a practical system of inspection under the United Nations;

to the end that a greater proportion of the world's productive capacity may be used for peaceful purposes and for the well-being of mankind; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States and the Secretary of State, and that the President make known the sense of this resolution to the United Nations and to the heads of state of the nations of the world with the request that their people be informed of its contents.²

¹ *Supra*.

² Transmitted by the U. S. Representative at the U. N. to the Secretary-General of the U. N. on Aug. 8, 1953, for circulation to all U. N. members. Also, the Department of State sent the resolution to all U. S. diplomatic posts directing them to present copies to the Foreign Offices of the Governments to which they were accredited, and to explain that the resolution was demonstrative of the abiding interest of the Congress and the Executive Branch of the U. S. Government in achieving an agreed disarmament program as an inherent part of a durable peace. See also Department of State *Bulletin*, Aug. 31, 1953, pp. 299-300.

15. THIRD REPORT OF THE UNITED NATIONS DISARMAMENT COMMISSION, AUGUST 20, 1953¹

1. By General Assembly resolution 704 (VII),² the Disarmament Commission was requested to report to the General Assembly and Security Council not later than 1 September 1953.

2. The Disarmament Commission has held no meetings since the adoption of the General Assembly resolution mentioned in the preceding paragraph, except for a meeting on 20 August 1953.

3. It is hoped that recent international events will create a more propitious atmosphere for the reconsideration of the disarmament question, whose capital importance in conjunction with other questions affecting the maintenance of peace is recognized by all. The Disarmament Commission therefore expects to continue its work and suggests that it present a report to the ninth session of the General Assembly and to the Security Council.

16. REGULATION, LIMITATION, AND BALANCED REDUCTION OF ALL ARMED FORCES AND ALL ARMAMENTS: Resolution 715 (VIII) of the United Nations General Assembly, November 28, 1953³

The General Assembly,

Reaffirming the responsibility of the United Nations for considering the problem of disarmament and affirming the need for providing for:

(a) The regulation, limitation and balanced reduction of all armed forces and all armaments,

(b) The elimination and prohibition of atomic, hydrogen and other types of weapons of mass destruction,

(c) The effective international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only, the whole programme to be carried out under effective international control and in such a way that no State would have cause to fear that its security was endangered,

Believing that the continued development of weapons of mass destruction such as atomic and hydrogen bombs has given additional urgency to efforts to bring about effectively controlled disarmament throughout the world, as the existence of civilization itself may be at stake,

Mindful that progress in the settlement of existing international disputes and the resulting re-establishment of confidence are vital to the attainment of peace and disarmament and that efforts to reach agreement on a comprehensive and co-ordinated disarmament pro-

¹ U.N. doc. DC/32.

² See *supra*, doc. 11.

³ U.N. General Assembly Official Records, Eighth Session, Supplement No. 17 (A/2630), pp. 3-4.

armament with adequate safeguards should be made concurrently with progress in the settlement of international disputes,
Believing that progress in either field would contribute to progress in the other,
Realizing that competition in the development of armaments and armed forces beyond what is necessary for the individual or collective security of Member States in accordance with the Charter of the United Nations is not only economically unsound but is in itself a grave danger to peace,
Conscious of the continuing desire of all nations, by lightening the burden of armaments, to release more of the world's human and economic resources for peace,
Having received the third report of the Disarmament Commission 20 August 1953,¹ submitted in accordance with General Assembly resolution 704 (VII) of 8 April 1953,²
Endorsing the Commission's hope that recent international events will create a more propitious atmosphere for reconsideration of the disarmament question, the capital importance of which, in conjunction with other questions affecting the maintenance of peace, is recognized by all,

1. *Recognizes* the general wish and affirms its earnest desire to reach agreement as early as possible on a comprehensive and coordinated plan, under international control, for the regulation, limitation and reduction of all armed forces and all armaments, for the elimination and prohibition of atomic, hydrogen, bacterial, chemical and all such other weapons of war and mass destruction, and for the attainment of these ends through effective measures;
2. *Recognizes* that, whatever the weapons used, aggression is contrary to the conscience and honour of the peoples and incompatible with membership in the United Nations and is the gravest of all crimes against peace and security throughout the world;
3. *Takes note* of the third report of the Disarmament Commission;
4. *Requests* the Commission to continue its efforts to reach agreement on the problems with which it is concerned, taking into consideration proposals made at the eighth session of the General Assembly,³ and to report again to the General Assembly and to the Security Council not later than 1 September 1954;⁴
5. *Calls on* all Member States, and particularly the major Powers, to intensify their efforts to assist the Disarmament Commission in its tasks and to submit to the Commission any proposals which they have made in the field of disarmament;
6. *Suggests* that the Disarmament Commission study the desirability of establishing a sub-committee consisting of representatives of

Supra.

Supra, doc. 11.

For a summary of the discussion of disarmament in the Eighth Session of the General Assembly, see the *Annual Report of the Secretary-General on the Work of Organization, 1 July 1953-30 June 1954* (U.N. General Assembly, *Official Records, Ninth Session, Supplement No. 1* (A/2663)), pp. 1-4 and 5-7.

See the Fourth Report of the U.N. Disarmament Commission, July 29, 1954; *Supra*, doc. 23.

the Powers principally involved, which should seek in private an acceptable solution and report to the Disarmament Commission as soon as possible, in order that the Commission may study and report on such a solution to the General Assembly and to the Security Council not later than 1 September 1954;

7. *Further suggests* to the Disarmament Commission, in order to facilitate the progress of its work, to arrange for the sub-committee, when established, to hold its private meetings as appropriate in the different countries most concerned with the problem.

D. ATOMS FOR PEACE, 1953

17. ATOMS FOR PEACE: Address by the President of the United States Before the United Nations General Assembly, December 8, 1953¹

MADAME PRESIDENT, MEMBERS OF THE GENERAL ASSEMBLY:

When Secretary General Hammarskjöld's invitation to address this General Assembly reached me in Bermuda, I was just beginning a series of conferences with the Prime Ministers and Foreign Ministers of Great Britain and of France. Our subject was some of the problems that beset our world.²

During the remainder of the Bermuda Conference, I had constantly in mind that ahead of me lay a great honor. That honor is mine today as I stand here, privileged to address the General Assembly of the United Nations.

At the same time that I appreciate the distinction of addressing you, I have a sense of exhilaration as I look upon this Assembly.

Never before in history has so much hope for so many people been gathered together in a single organization. Your deliberations and decisions during these somber years have already realized part of those hopes.

But the great tests and the great accomplishments still lie ahead. And in the confident expectation of those accomplishments, I would use the office which, for the time being, I hold, to assure you that the Government of the United States will remain steadfast in its support of this body. This we shall do in the conviction that you will provide a great share of the wisdom, the courage, and the faith which can bring

¹ *Atomic Power for Peace* (Department of State publication 5314; 1953). For a detailed chronicle of developments under the President's proposed program, see *Atoms for Peace Manual: A Compilation of Official Materials on International Cooperation for Peaceful Uses of Atomic Energy, December 1953-July 1955* (S. Doc. No. 55, 84th Cong., 1st sess.). See also Commonwealth of Australia, Department of External Affairs, *Select Documents on International Affairs: Peaceful Uses of Atomic Energy* (Canberra, 1955).

² See the communiqué of Dec. 7, 1953; *supra*, pp. 1468-1470.

to this world lasting peace for all nations, and happiness and well-being for all men.

Clearly, it would not be fitting for me to take this occasion to present to you a unilateral American report on Bermuda. Nevertheless, I assure you that in our deliberations on that lovely island we sought to invoke those same great concepts of universal peace and human dignity which are so cleanly etched in your Charter.

Neither would it be a measure of this great opportunity merely to recite, however hopefully, pious platitudes.

A DANGER SHARED BY ALL

I therefore decided that this occasion warranted my saying to you some of the things that have been on the minds and hearts of my legislative and executive associates and on mine for a great many months—thoughts I had originally planned to say primarily to the American people.

I know that the American people share my deep belief that if a danger exists in the world, it is a danger shared by all—and equally, that if hope exists in the mind of one nation, that hope should be shared by all.

Finally, if there is to be advanced any proposal designed to ease even by the smallest measure the tensions of today's world, what more appropriate audience could there be than the members of the General Assembly of the United Nations?

I feel impelled to speak today in a language that in a sense is new—one which I, who have spent so much of my life in the military profession, would have preferred never to use.

That new language is the language of atomic warfare.

The atomic age has moved forward at such a pace that every citizen of the world should have some comprehension, at least in comparative terms, of the extent of this development, of the utmost significance to every one of us. Clearly, if the peoples of the world are to conduct an intelligent search for peace, they must be armed with the significant facts of today's existence.

My recital of atomic danger and power is necessarily stated in United States terms, for these are the only incontrovertible facts that I know. I need hardly point out to this Assembly, however, that this subject is global, not merely national in character.

THE FEARFUL POTENTIALS

On July 16, 1945, the United States set off the world's first atomic explosion.

Since that date in 1945, the United States of America has conducted 42 test explosions.

Atomic bombs today are more than 25 times as powerful as the weapons with which the atomic age dawned, while hydrogen weapons are in the ranges of millions of tons of TNT equivalent.

Today, the United States stockpile of atomic weapons, which, of course, increases daily, exceeds by many times the explosive equivalent

of the total of all bombs and all shells that came from every plane and every gun in every theatre of war in all of the years of World War II.

A single air group, whether afloat or land-based, can now deliver to any reachable target a destructive cargo exceeding in power all the bombs that fell on Britain in all of World War II.

In size and variety, the development of atomic weapons has been no less remarkable. The development has been such that atomic weapons have virtually achieved conventional status within our armed services. In the United States, the Army, the Navy, the Air Force, and the Marine Corps are all capable of putting this weapon to military use.

But the dread secret, and the fearful engines of atomic might, are not ours alone.

In the first place, the secret is possessed by our friends and allies, Great Britain and Canada, whose scientific genius made a tremendous contribution to our original discoveries, and the designs of atomic bombs.

The secret is also known by the Soviet Union.

The Soviet Union has informed us that, over recent years, it has devoted extensive resources to atomic weapons. During this period, the Soviet Union has exploded a series of atomic devices, including at least one involving thermo-nuclear reactions.

NO MONOPOLY OF ATOMIC POWER

If at one time the United States possessed what might have been called a monopoly of atomic power, that monopoly ceased to exist several years ago. Therefore, although our earlier start has permitted us to accumulate what is today a great quantitative advantage, the atomic realities of today comprehend two facts of even greater significance.

First, the knowledge now possessed by several nations will eventually be shared by others—possibly all others.

Second, even a vast superiority in numbers of weapons, and a consequent capability of devastating retaliation, is no preventive, of itself, against the fearful material damage and toll of human lives that would be inflicted by surprise aggression.

The free world, at least dimly aware of these facts, has naturally embarked on a large program of warning and defense systems. That program will be accelerated and expanded.

But let no one think that the expenditure of vast sums for weapons and systems of defense can guarantee absolute safety for the cities and citizens of any nation. The awful arithmetic of the atomic bomb does not permit of any such easy solution. Even against the most powerful defense, an aggressor in possession of the effective minimum number of atomic bombs for a surprise attack could probably place a sufficient number of his bombs on the chosen targets to cause hideous damage.

Should such an atomic attack be launched against the United States, our reactions would be swift and resolute. But for me to say that the defense capabilities of the United States are such that they

ould inflict terrible losses upon an aggressor—for me to say that the retaliation capabilities of the United States are so great that such an aggressor's land would be laid waste—all this, while fact, is not the true expression of the purpose and the hope of the United States. To pause there would be to confirm the hopeless finality of a belief that two atomic colossi are doomed malevolently to eye each other definitely across a trembling world. To stop there would be to accept helplessly the probability of civilization destroyed—the annihilation of the irreplaceable heritage of mankind handed down to us generation from generation—and the condemnation of mankind to begin all over again the age-old struggle upward from savagery toward decency, and right, and justice.

Surely no sane member of the human race could discover victory in such desolation. Could anyone wish his name to be coupled by history with such human degradation and destruction.

Occasional pages of history do record the faces of the "Great Destroyers" but the whole book of history reveals mankind's never-ending quest for peace, and mankind's God-given capacity to build.

It is with the book of history, and not with isolated pages, that the United States will ever wish to be identified. My country wants to be constructive, not destructive. It wants agreements, not wars, among nations. It wants itself to live in freedom, and in the confidence that the people of every other nation enjoy equally the right of choosing their own way of life.

NO IDLE WORDS OR SHALLOW VISIONS

So my country's purpose is to help us move out of the dark chamber of horrors into the light, to find a way by which the minds of men, the hopes of men, the souls of men everywhere, can move forward toward peace and happiness and well being.

In this quest, I know that we must not lack patience.

I know that in a world divided, such as ours today, salvation cannot be attained by one dramatic act.

I know that many steps will have to be taken over many months before the world can look at itself one day and truly realize that a new climate of mutually peaceful confidence is abroad in the world.

But I know, above all else, that we must start to take these steps—NOW.

The United States and its allies, Great Britain and France, have over the past months tried to take some of these steps. Let no one say that we shun the conference table.

On the record has long stood the request of the United States, Great Britain, and France to negotiate with the Soviet Union the problems of a divided Germany.

On that record has long stood the request of the same three nations to negotiate an Austrian State Treaty.

On the same record still stands the request of the United Nations to negotiate the problems of Korea.

Most recently, we have received from the Soviet Union what is in

effect an expression of willingness to hold a Four Power Meeting.¹ Along with our allies, Great Britain and France, we were pleased to see that this note did not contain the unacceptable pre-conditions previously put forward.

As you already know from our joint Bermuda communiqué,² the United States, Great Britain, and France have agreed promptly to meet with the Soviet Union.

The Government of the United States approaches this conference with hopeful sincerity. We will bend every effort of our minds to the single purpose of emerging from that conference with tangible results toward peace—the only true way of lessening international tension.

We never have, we never will, propose or suggest that the Soviet Union surrender what is rightfully theirs.

We will never say that the peoples of Russia are an enemy with whom we have no desire ever to deal or mingle in friendly and fruitful relationship.

On the contrary, we hope that this Conference may initiate a relationship with the Soviet Union which will eventually bring about a free intermingling of the peoples of the East and of the West—the one sure, human way of developing the understanding required for confident and peaceful relations.

Instead of the discontent which is now settling upon Eastern Germany, occupied Austria, and the countries of Eastern Europe, we seek a harmonious family of free European nations, with none a threat to the other, and least of all a threat to the peoples of Russia.

Beyond the turmoil and strife and misery of Asia, we seek peaceful opportunity for these peoples to develop their natural resources and to elevate their lives.

These are not idle words or shallow visions. Behind them lies a story of nations lately come to independence, not as a result of war, but through free grant or peaceful negotiation. There is a record, already written, of assistance gladly given by nations of the West to needy peoples, and to those suffering the temporary effects of famine, drought, and natural disaster.

These are deeds of peace. They speak more loudly than promises or protestations of peaceful intent.

FOR THE BENEFIT OF MANKIND

But I do not wish to rest either upon the reiteration of past proposals or the restatement of past deeds. The gravity of the time is such that every new avenue of peace, no matter how dimly discernible, should be explored.

There is at least one new avenue of peace which has not yet been well explored—an avenue now laid out by the General Assembly of the United Nations.

In its resolution of November 18th [28th], 1953, this General Assembly suggested—and I quote—"that the Disarmament Commission

¹ See the Soviet note of Nov. 26, 1953; Department of State *Bulletin*, Dec. 21, 1953, pp. 853-854.

² Communiqué of Dec. 7, 1953; *supra*, pp. 1468-1470.

study the desirability of establishing a sub-committee consisting of representatives of the Powers principally involved, which should seek in private an acceptable solution . . . and report on such a solution to the General Assembly and to the Security Council not later than 1 September 1954."¹

The United States, heeding the suggestion of the General Assembly of the United Nations, is instantly prepared to meet privately with such other countries as may be "principally involved", to seek "an acceptable solution" to the atomic armaments race which overhangs not only the peace, but the very life, of the world.

We shall carry into these private or diplomatic talks a new conception.

The United States would seek more than the mere reduction or elimination of atomic materials for military purposes.

It is not enough to take this weapon out of the hands of the soldiers. It must be put into the hands of those who will know how to strip its military casing and adapt it to the arts of peace.

The United States knows that if the fearful trend of atomic military buildup can be reversed, this greatest of destructive forces can be developed into a great boon, for the benefit of all mankind.

The United States knows that peaceful power from atomic energy is no dream of the future. That capability, already proved, is here—now—today. Who can doubt, if the entire body of the world's scientists and engineers had adequate amounts of fissionable material with which to test and develop their ideas, that this capability would rapidly be transformed into universal, efficient, and economic usage. To hasten the day when fear of the atom will begin to disappear from the minds of people, and the governments of the East and West, there are certain steps that can be taken now.

PROPOSAL FOR JOINT ATOMIC CONTRIBUTIONS

I therefore make the following proposals:

The Governments principally involved, to the extent permitted by elementary prudence, to begin now and continue to make joint contributions from their stockpiles of normal uranium and fissionable materials to an International Atomic Energy Agency. We would expect that such an agency would be set up under the aegis of the United Nations.

The ratios of contributions, the procedures and other details would properly be within the scope of the "private conversations" I have referred to earlier.

The United States is prepared to undertake these explorations in good faith. Any partner of the United States acting in the same good faith will find the United States a not unreasonable or ungenerous associate.

Undoubtedly initial and early contributions to this plan would be small in quantity. However, the proposal has the great virtue that it can be undertaken without the irritations and mutual suspicions

¹ *Supra*.

incident to any attempt to set up a completely acceptable system of world-wide inspection and control.

The Atomic Energy Agency could be made responsible for the impounding, storage, and protection of the contributed fissionable and other materials. The ingenuity of our scientists will provide special safe conditions under which such a bank of fissionable material can be made essentially immune to surprise seizure.

The more important responsibility of this Atomic Energy Agency would be to devise methods whereby this fissionable material would be allocated to serve the peaceful pursuits of mankind. Experts would be mobilized to apply atomic energy to the needs of agriculture, medicine, and other peaceful activities. A special purpose would be to provide abundant electrical energy in the power-starved areas of the world. Thus the contributing powers would be dedicating some of their strength to serve the needs rather than the fears of mankind.

The United States would be more than willing—it would be proud to take up with others “principally involved” the development of plans whereby such peaceful use of atomic energy would be expedited.

Of those “principally involved” the Soviet Union must, of course, be one.

OUT OF FEAR AND INTO PEACE

I would be prepared to submit to the Congress of the United States, and with every expectation of approval, any such plan that would:

First—encourage world-wide investigation into the most effective peacetime uses of fissionable material, and with the certainty that they had all the material needed for the conduct of all experiments that were appropriate;

Second—begin to diminish the potential destructive power of the world's atomic stockpiles;

Third—allow all peoples of all nations to see that, in this enlightened age, the great powers of the earth, both of the East and of the West, are interested in human aspirations first, rather than in building up the armaments of war;

Fourth—open up a new channel for peaceful discussion, and initiate at least a new approach to the many difficult problems that must be solved in both private and public conversations, if the world is to shake off the inertia imposed by fear, and is to make positive progress toward peace.

Against the dark background of the atomic bomb, the United States does not wish merely to present strength, but also the desire and the hope for peace.

The coming months will be fraught with fateful decisions. In this Assembly; in the capitals and military headquarters of the world; in the hearts of men everywhere, be they governors or governed, may they be the decisions which will lead this world out of fear and into peace.

To the making of these fateful decisions, the United States pledges before you—and therefore before the world—its determination to help solve the fearful atomic dilemma—to devote its entire heart and

mind to find the way by which the miraculous inventiveness of man shall not be dedicated to his death, but consecrated to his life.

I again thank the delegates for the great honor they have done me, in inviting me to appear before them, and in listening to me so courteously. Thank you.

E. NEGOTIATIONS FOR THE ESTABLISHMENT OF A UNITED NATIONS DISARMAMENT AND ATOMIC DEVELOPMENT AUTHORITY, 1954

8. PROPOSED INTERNATIONAL ATOMIC ENERGY AGENCY: Memorandum From the Secretary of State to the Soviet Ambassador at Washington, March 19, 1954¹

OUTLINE OF AN INTERNATIONAL ATOMIC ENERGY AGENCY

The United States Government wishes to submit additional tentative views amplifying the proposals for an International Atomic Energy Agency as presented by the President of the United States to the United Nations General Assembly on December 8, 1953;²

A. The Objectives of the U.S. Proposals

The U.S. proposes that there should be established under the aegis of the United Nations an International Atomic Energy Agency to receive supplies of nuclear materials from those member nations having stocks of such materials to be used for the following objectives:

- A. to encourage world wide research and development of peaceful uses of atomic energy by assuring that engineers and scientists of the world have sufficient materials to conduct such activities and by fostering the interchange of information.
- B. to furnish nuclear materials to meet the needs of agriculture, medicine, and other peaceful activities including the eventual production of power.

1. The International Atomic Energy Agency

- A. The Agency would be created by and derive its authority under the terms of a treaty among the participating nations. To the greatest extent practicable, the treaty should define

¹ Department of State *Bulletin*, Oct. 4, 1954, pp. 480-482. For the texts of other documents exchanged between the United States and the Soviet Union, see *ibid.*, pp. 478-489.

² *Supra.*

standards and principles which would govern the Agency in the discharge of its functions.

B. Membership—all signatory states would be members of the Agency.

C. Governing Body

1. The highest executive authority in the Agency should be exercised by a Board of Governors, of limited membership representing governments. In determining the composition of the Board of Governors, it might be desirable to take account of geographic distribution and membership by prospective beneficiaries. It is expected that the principal contributors would be on the Board of Governors.
2. It is suggested that decisions of the Board of Governors generally should be taken by some form of majority vote. Arrangements could be worked out to give the principal contributing countries special voting privileges on certain matters, such as allocations of fissionable material.

D. Staff—The Staff of the Agency should be headed by an administrative head or general manager, appointed for a fixed term by the Board of Governors and subject to its control, and, of course, include highly qualified scientific and technical personnel. Under the general supervision of the Board, the administrative head should be responsible for the appointment, organization and functioning of the Staff.

E. Financing

1. Funds for the central facilities and fixed plant of the Agency and its research projects should be provided through appropriation by the participating states in accordance with a scale of contributions to be agreed upon. It is suggested that it might be possible to utilize the general principles governing the scale of contributions by individual members to the UN.
2. Funds for specific projects submitted by member nations to utilize the materials or services of the Agency should be provided by the recipient country concerned through specific arrangements in each case.

F. The administrative headquarters of the Agency could be located at a place mutually agreed upon.

G. Relationship to the United Nations and Other International Bodies—The Agency should submit reports to the UN Security Council and General Assembly when requested by either of these organs. The Agency should also consult and cooperate with other UN bodies whose work may be related to that of the Agency.

H. The facilities of the Agency would include:

1. Plant, equipment, and facilities for the receipt, storage, and issuance of nuclear materials.

2. Physical safeguards.
3. Control laboratories for analysis and verification of receipts and inventory control of nuclear materials.
4. Necessary housing for administrative and other activities of the Agency not included in the preceding categories.
5. Those facilities, as might in time be necessary, for such purposes as education and training, research and development, fuel fabrication and chemical processing.

III. *Functions of the Agency*

A. Receipt and Storage of Materials

1. All member nations possessing stocks of normal and enriched uranium, thorium metal, U-233, U-235, U-238, plutonium and alloys of the foregoing would be expected to make contributions of such material to the Agency.
2. The United States would be prepared to make as a donation, a substantial initial contribution of nuclear materials towards the needs of the Agency. The USSR would make an equivalent donation towards these needs.
3. The Agency would specify the place, method of delivery, and, when appropriate, the form and composition of materials it will receive. The Agency would also verify stated quantities of materials received and would report to the members these amounts. The Agency would be responsible for storing and protecting materials in a way to minimize the likelihood of surprise seizure.

B. Allocation of Materials by the Agency

1. The Agency would review proposals submitted by participating members desiring to receive allocations of Agency stocks in the light of uniform and equitable criteria, including:
 - a. The use to which material would be put, including scientific and technical feasibility.
 - b. The adequacy of plans, funds, technical personnel, etc., to assure effective use of the material.
 - c. Adequacy of proposed health and safety measures for handling and storing materials and for operating facilities.
 - d. Equitable distribution of available materials.
2. Title to nuclear materials would initially remain with the Agency, which would determine fair payment to be made for use of materials.
3. In order to insure that adequate health and safety standards were being followed, and in order to assure that allocated fissionable material is being used for the purposes for which it was allocated, the Agency would have the continuing authority to prescribe certain design and operating conditions, health and safety regulations, require accountability and operating records, specify disposition of byproduct

fissionable materials and wastes, retain the right of monitoring and require progress reports. The Agency would also have authority to verify status of allocated material inventories and to verify compliance with the terms of issuance.

4. Information about all transactions entered into by the Agency would be available to all members.

C. Information and Service Activities of the Agency

1. All member nations possessing information relevant to the activities of the Agency would be expected to make contributions from that information to the Agency.
2. In addition to data developed as a result of its own activities, the Agency would have available:
 - a. Data developed by participating countries as a result of the utilization of the materials, information, services, and other assistance of the Agency.
 - b. Data already publicly available in some of the countries.
 - c. Data developed and previously held by principals or other members and voluntarily contributed to the Agency.
3. The Agency would encourage the exchange of scientific and technical information among nations, and be responsible for making wide dissemination of the data in its possession.
4. The Agency would serve as an intermediary securing the performance of services by one participating country for another. Among the specific activities the Agency might provide would be the following:
 - a. Training and education.
 - b. Services concerned with developing codes for public health and safety in connection with the utilization of fissionable materials.
 - c. Consultative technical services in connection with the establishment and carrying on of programs.
 - d. Processing of nuclear materials (i. e., chemical separation and purification, fabrication of fuel elements, etc.).
 - e. Supply of special materials, such as heavy water.
 - f. Design and supply of specialized equipment.
 - g. Special laboratory services such as conduct of experiments and tests.
 - h. Aid in making financial arrangements for the support of appropriate projects.

19. ESTABLISHMENT OF THE UNITED NATIONS DISARMAMENT COMMISSION SUBCOMMITTEE: Resolution of the United Nations Disarmament Commission, April 19, 1954¹

The Disarmament Commission,

Noting General Assembly resolution 715 (VIII)² and the resolution on disarmament agreed by the Four Foreign Ministers at Berlin on 18 February 1954,³

1. *Decides*, pursuant to General Assembly resolution 715 (VIII), to establish a Sub-Committee consisting of representatives of Canada, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America;

2. *Recommends* that the Sub-Committee should hold its first meeting on 23 April, and should arrange its own meetings and method of work;

3. *Recommends* that the Sub-Committee should present a report on the results of its work to the Disarmament Commission not later than 15 July.

20. PURPOSE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY: Note Submitted by the Secretary of State to the Soviet Minister for Foreign Affairs at the Geneva Conference on Korea and Indochina, May 1, 1954⁴

1. I have now read the aide-memoire of the Soviet Union of April 27⁵ re the proposal for "an international atomic energy agency" submitted to the Soviet Ambassador in Washington on March 19.⁶ This aide-memoire criticizes the proposal on the grounds that it would not substantially reduce atomic material stockpiles, or control the making or use of atomic weapons or remove the threat of atomic war.

2. These criticisms misconstrue the purpose of the US proposal of March 19. By its terms this proposal was not intended as a measure for the control of atomic weapons or for solving itself the various other problems mentioned in the Soviet note. Its purpose was the more limited one of initiating international cooperation in the field of atomic energy on a basis which would avoid many of the obstacles which have heretofore blocked any agreement. In this way the proposal could contribute to improving relations among the cooperating nations and thereby to facilitating solution of the more difficult problem of effective control of atomic energy for military purposes.

3. Accordingly, the US cannot concur in the view of the Soviet

¹ U.N. doc. DC/49, Apr. 19, 1954.

² *Supra*, doc. 16.

³ See communiqué of Feb. 18, 1954; *supra*, pp. 2372-2373.

⁴ Department of State *Bulletin*, Oct. 4, 1954, pp. 484-485.

⁵ *Ibid.*, pp. 482-484.

⁶ *Supra*, doc. 18.

Union that creation of an international agency to foster the use of atomic materials for peaceful purposes would not be useful in itself. On the contrary, it believes that such an agency could have valuable results both in encouraging closer cooperation among the participating nations and in expediting more extensive use of atomic energy for purposes beneficial to mankind. The US therefore regrets that the Soviet Union is not willing to explore this matter further at this time.

4. In view of the lack of interest now of the Soviet Union in pursuing this proposal, the US will feel free to examine the creation of such an agency with other nations which might be interested. If the Soviet Union should later decide that it wishes to take part in any such discussions, the US will, of course, welcome its participation.

5. The US proposal of March 19 was, of course, not intended as a substitute for an effective system of control of atomic energy for military purposes. The US will continue, as heretofore, to seek means of achieving such control under reliable and adequate safeguards. It is prepared to continue exchanges of views with the Soviet Union for that purpose, and will shortly submit to the Soviet Union comments¹ on its proposal referred to in its aide-memoire of April 27.

21. PROPOSED UNITED NATIONS DISARMAMENT AND ATOMIC DEVELOPMENT AUTHORITY: Working Paper Submitted by the United States Delegation to the United Nations Disarmament Commission Subcommittee, May 25, 1954²

INTRODUCTION

1. The General Assembly resolution 502 (VI) of 11 January 1952³ directs the Disarmament Commission to formulate plans for the establishment within the framework of the Security Council of an international control organ (or organs) to ensure the implementation of the treaty (or treaties). Such major aspects of the disarmament programmes as disclosure and verification, limitation and balanced reduction of armed forces and armaments, and the control of atomic energy cannot be implemented until an international control organization with appropriate rights, powers and functions has been established.

2. The broad objectives in establishing control organs are: (i) to provide international control of atomic energy so as to enforce observance of prohibition and elimination of atomic and hydrogen weapons and to ensure use of nuclear materials for peaceful purposes, (ii) to supervise programmes for limitation and balanced reduction of armed forces and armaments, and prohibition and elimination of major mass destruction weapons; (iii) to supervise the various safeguards necessary for enforcement of the programme, including disclosure and verifica-

¹ See memorandum of July 9, 1954, *infra*, doc. 22.

² U.N. Disarmament Commission, *Official Records, Supplement for April, May and June 1954*, pp. 9-14; see also Department of State *Bulletin*, Aug. 2, 1954, pp. 177 ff.

³ See *supra*, doc. 4.

tion, and (iv) to help develop an open world by assuring each participating State that other States are observing the various agreements and by providing knowledge upon which States can take rapid action to provide for their security in the event of serious violations of the disarmament agreement.

UNITED STATES SUGGESTIONS

3. The United States suggests the establishment of a United Nations Disarmament and Atomic Development Authority (hereafter referred to as the Authority).

4. Under the Authority there would be a Disarmament Division to carry out the responsibilities of the Authority with respect to the safeguards to ensure enforcement of the programme and the reduction and limitation of all armed forces and non-atomic armaments. (See article 42.)

5. Also under the Authority there would be an Atomic Development Division to carry out the responsibilities of the Authority with respect to the international development and control of atomic energy.

I. ORGANIZATION AND COMPOSITION

6. The Authority should be composed in the same manner as the Disarmament Commission. While it is necessary to keep the Authority to a reasonably small size for the sake of over-all efficiency, it may prove desirable also to include as members a limited number of additional States.

7. Any State not a member of the Authority would have an automatic right to participate, without vote, in Authority discussions of charges of violations by that State of provisions of the disarmament programme treaty. Any State not a member of the Authority would have the right to participate, without vote, in Authority discussions of any question brought before the Authority whenever the latter considers that the interests of that State are specially affected.

A. Disarmament Division

Director-General

8. The Disarmament Division would be under the supervision and control of a Director-General, who might be appointed for a fixed term, by the Authority.

9. While the Director-General would be subject to control by the Authority, he should be allowed sufficient discretion in carrying out the terms of the disarmament programme treaty and the instructions of the Authority to ensure effective operation of the Disarmament Division. The Director-General would be required to refer to the Authority charges of violations and other important developments but not routine day-to-day decisions concerning the operations of the Disarmament Division.

10. The Director-General would be assisted in the performance of his duties by assistant directors-general in charge of the principal departments of the Disarmament Division.

Secretariat

11. The Secretariat of the Disarmament Division would be organized into departments, each charged with responsibility for administering a principal function of the Division. The Secretariat would also furnish the personnel to perform the necessary staff functions for the Authority.

12. The Secretariat would furnish the staffs of the inspection groups in each country.

13. The Secretariat should be staffed with international civil servants appointed by the Director-General. The principles governing appointment and the international obligation of the persons appointed should be similar to those contained in the United Nations Charter.

Corps of Inspectors

14. The Disarmament Division would include among its personnel, but separate from the Secretariat, a corps of inspectors. The corps would be composed of persons technically qualified for various types of inspections and nominated by the States that are signatories of the disarmament programme treaty.

15. Individuals would be selected by the Director-General from the corps of inspectors to form the necessary inspection groups, both resident and transient. The inspection groups would be responsible to the Director-General in their work, and would be given authority to take specified emergency action upon discovery of violations or infractions of the treaty, such action to be subject to review by the Authority.

16. Each inspection group would include a national of each of the permanent members of the Authority except where the member itself is being inspected, plus nationals of other signatory States. In general the latter would be selected, subject to their possessing the requisite technical qualifications, on a basis of rotation.

17. Each State being inspected should appoint a liaison officer to accompany each inspection team.

18. In conducting individual inspections, each inspection group would be permitted to divide into such sub-groups as might be necessary and to assign responsibilities to members of its staff in order to best complete the functions assigned to it.

*B. Atomic Development Division**Board of Governors*

19. The Atomic Development Division would be under the supervision and control of a board of governors.

20. Each permanent member of the Authority would appoint a member of the board.

21. Not less than six nor more than eight additional members of the board would be appointed by the Authority.

22. Appointees would be expected to possess outstanding technical qualifications and would be appointed for a term of five years.

23. While the board of governors would be subject to control by the Authority, it should be allowed sufficient discretion in carrying

out the terms of the disarmament programme treaty and the instructions of the Authority to ensure effective operation of the Atomic Development Division.

Staff

24. Operations of the Atomic Development Division would be carried out by an international staff, the international character of which would be similar to that of the Secretariat of the Disarmament Division, except that, to the greatest extent consistent with the requirements of efficiency, inspection, accounting and control, positions in any country would be filled by nationals of that country.

25. The staff would be headed by a manager, appointed by the board subject to the approval of the Authority. The Authority would have the power to remove the manager at any time.

C. Finance

26. It would be desirable to consider the finances of the Authority and its subordinate agencies under three subdivisions: (i) the budget of the Disarmament Division, (ii) that part of the budget of the Atomic Development Division directly concerned with establishing and operating atomic facilities (cost of raw materials and plant construction, operational costs, etc.), and (iii) that part of the budget of the Atomic Development Division dealing with the necessary international co-ordination and with the administrative costs above the operational level as well as with research necessary to the discharge of its duties and ensuring security.

27. The cost of the budget of the Disarmament Division ((i) above) and that part of the budget of the Atomic Development Division covered in (iii) above would be borne by the participating States in accordance with a scale of contributions based upon principles of cost-sharing to be agreed upon.

28. The cost of establishing and operating the various atomic facilities (26 (ii) above) should be met by the benefiting nations and not by general assessments upon the States participating in the disarmament programme. In carrying out its prescribed functions, however, the international control agency should interfere as little as necessary with the economic plans and the private, corporate, and State relationships in the several countries.

29. The budget of each division would be prepared by the division and submitted to the Authority for final approval.

II. RIGHTS, POWERS AND FUNCTIONS OF THE AUTHORITY

30. The Authority would derive its rights and powers from the disarmament programme treaty. The General Assembly would take appropriate action, in anticipation of the signing of this treaty, to ensure the establishment and activation of the Authority immediately upon the coming into effect of the treaty and the progressive assumption of its functions as required.

31. The Authority would be empowered to supervise and control progressive and continuous disclosure and verification of all armed

forces, including para-military, security and police forces and all armaments, including atomic.

32. Within the limits of the programmes and phasing as laid down in the disarmament treaty, the Authority would be empowered to determine the details of the time and the manner of the reduction of armed forces and armaments and to supervise such reduction in so far as such details are not fixed by the treaty. The disposition of existing stocks of nuclear fuel would be made by the Authority in accordance with the treaty on international control.

33. The Authority would be empowered to function in accordance with whatever plan may be agreed upon for the control of atomic energy to the extent necessary to ensure effective prohibition of nuclear weapons and use of nuclear materials for peaceful purposes only.

34. Except for the rule of procedure that decisions made by the Authority within its defined functions would require a determined majority, the Authority would have the right to adopt its own rules of procedure, including the method of selecting its president.

35. The Authority would be authorized to hold meetings at such places other than the seat of the Authority as in its judgment would best facilitate its work.

36. The Authority would be empowered to issue administrative regulations within its field of competence.

37. The Authority would carry out an agreed programme of safeguards to ensure the observance of the agreements for the regulation, limitation and balanced reduction of all armed forces and all armaments. This programme of safeguards would include provision for whatever programme of effective disclosure and verification of all armed forces and all armaments may be agreed upon. This function would include, among others, the following tasks:

(a) Provide guidance and instructions, within the framework of the treaty, for the disclosure programme;

(b) Control the receipt of and process the information from each State and, within the framework of the disarmament programme treaty, prescribe the particulars of the information desired from the States;

(c) Organize and conduct field inspections and aerial surveys to verify information on reported installations and to determine whether all installations and facilities have been disclosed;

(d) Station personnel permanently in countries adhering to the programme for the purpose of ensuring continuous verification;

(e) Prepare reports of disclosure and verification for the United Nations and for the signatory States;

(f) In the event of a finding by the Authority of violations, obstructions, discrepancies, or pertinent omissions by a State, call upon such State to remedy forthwith the violation or other infraction; in the event of failure within a reasonable time of the offending State to comply fully, report the violation or other infraction to the Security Council, to the General Assembly, and to all States in order to permit

appropriate action by the United Nations or by individual States in accordance with the treaty establishing the control organ;

(g) Submit such special reports to the Security Council as may be requested by any seven members thereof;

(h) Submit such special reports to the General Assembly as may be requested by that body;

(i) Determine when each provision of the treaty relating to the timing of disclosure and verification and of reductions of armed forces and non-atomic armaments has been completed.

38. The powers of the Authority relating to disclosure and verification, of course, would not be limited to the initial disclosure and verification but would continue as permanent powers of the Authority.

(a) The Authority would carry out the agreed programme for safeguards other than disclosure and verification;

(b) The Authority should have positive research and developmental responsibilities in order to remain in the forefront of atomic knowledge so as to render the Authority more effective in promoting the beneficial uses of atomic energy and in eliminating its destructive ones.

39. Authorized personnel of the Secretariat of the Disarmament Division would have the right, in accordance with the terms of the disarmament treaty, to conduct on-the-spot inspections preparatory to and in aid of inspections by formal inspection teams.

40. The Atomic Development Division should have the responsibility to determine and report to the Authority any violations in connexion with the execution of the provisions of the treaty establishing the system for the control of atomic energy.

41. The Authority should be empowered to take action as appropriate short of the imposition of sanctions as provided in Chapter VII of the United Nations Charter, to remedy any violations or infractions in connexion with the enforcement of the provisions of the treaty establishing the system for the control of atomic energy. Such action would include:

(a) Calling upon the offending State to remedy within a reasonable time the violations or other infraction;

(b) Bringing about the suspension of the supply of nuclear materials to the offending State;

(c) Closing of plants utilizing nuclear materials in the offending State;

(d) Reporting to the Security Council, to the General Assembly and to all States the violation or other infraction in order to permit appropriate action by the United Nations or by individual States in accordance with the international convention establishing the control organ.

42. In connexion with the inspection of items critical to the system of safeguards for both atomic development and non-atomic armaments, in contrast to the items critical primarily to atomic development, the responsibilities of the Authority would in general be exercised by the Disarmament Division, subject to appropriate arrangements for co-

ordination. The responsibilities of the Authority for such control as might be established over such items would, in general, also be exercised by the Disarmament Division.

43. Any jurisdictional questions arising between the Disarmament Division and the Atomic Development Division would be settled by the Authority.

III. RELATIONS TO OTHER UNITED NATIONS ORGANS

The relations of the Authority to the several organs of the United Nations should be clearly established and defined by the treaty creating the Authority.

To the Security Council

44. The Authority would be required to submit such reports as might be requested by any seven members of the Security Council.

45. The Authority's findings in respect to violations, evasions, discrepancies or pertinent omissions should be referred, as appropriate with certification of facts, to the Security Council.

46. Findings would be accompanied by such recommendations as the Authority might deem appropriate. In this regard, provision would have to be made for specific steps to be taken by the Security Council and/or the General Assembly to bring about rectification of violations of the disarmament programme treaty.

To the General Assembly

47. The Authority would transmit to the General Assembly periodic reports and any findings in respect to violations, evasions, discrepancies or pertinent omissions which are submitted to the Security Council.

48. The Authority would be required to submit such reports as might be requested by the General Assembly.

To the International Court of Justice

49. The Authority would be authorized by the General Assembly to request of the International Court of Justice advisory opinions on legal questions arising within the scope of the Authority's activities. Proceedings before the Court, however, would not be permitted to delay the taking of measures necessary to maintain international peace and security.

To the United Nations Secretariat

50. The Authority would use the services of the United Nations Secretariat to the extent mutually agreed upon.

51. Reports and other communications from the Authority to other organs of the United Nations would be transmitted through the Secretary-General.

IV. RELATIONSHIP TO INDIVIDUAL STATES

52. The question of the relationship of the Authority to the participating States will require careful treaty definition particularly regarding the extent to which the privileges and immunities accorded to the Authority will exempt it and its personnel from the operation of national laws and the means by which individual rights and liberties of citizens of each State will be protected against possible infringement stemming from inspections. The grant of privileges and immunities to the Authority should be based on the principle of minimum interferences with the national laws of a State consistent with adequate and expeditious carrying out of the Authority's responsibilities and activities.

53. The privileges and immunities accorded the Authority should include:

(a) The right of its accredited representatives to the privileges and facilities of ingress, egress and access into and from the territory of participating States including rights of transit for persons and equipment over, across and through such territory;

(b) The right to use communication facilities to the extent adequate to the discharge of its responsibilities;

(c) Such exemption from customs and immigration regulations as may be necessary to effective operations;

(d) Inviolability of premises, property and archives.

54. Any findings in respect to violations, evasions, discrepancies or pertinent omissions which are submitted to the Security Council and to the General Assembly would be transmitted also to the participating States.

55. Provision must be made in a treaty to permit individual States to take necessary steps to protect themselves in conformity with the provisions of the United Nations Charter in the event of serious violations determined by the Authority and not remedied within a reasonable time. Such provision would include the right of any State under such circumstances to terminate its obligations under the treaty, to take steps for individual and collective self-defence under Article 51 of the Charter, and to take such other action as might be decided or recommended by the United Nations Security Council or by the United Nations General Assembly.

56. The Authority would be empowered to negotiate with each participating State such administrative agreements as may be desirable to facilitate the operation of the disarmament programme.

57. Each participating State would designate and maintain a national agency to supervise the execution of its obligations and to assist the Authority in its work.

22. BASIS FOR AN EFFECTIVE DISARMAMENT PLAN: Memorandum From the Department of State to the Soviet Embassy at Washington, July 9, 1954 ¹

The United States has further considered the draft declaration of January 30 ² and Aide-Memoire of April 27 ³ delivered by the Soviet Union to the United States. The United States wishes to make the following comments:

I.

1. The President's speech of December 8, 1953 ⁴ to the United Nations General Assembly pointed out the dangers of the atomic armaments race and stressed the desire of the United States to remove these dangers by any effective method which includes adequate safeguards against violations and evasions. The United States would welcome any system of disarmament which would serve to protect the peoples of the world from the threat of war and relieve them of the heavy burden of military defense in a manner consistent with their security.

2. The United States is also aware of the difficulties which have been experienced since 1946 in trying to negotiate a disarmament plan. From that date until the present, the United States has persistently sought, alone and in concert with other nations, to find ways of easing the burden of armaments and of lessening the threat of war. In the United Nations Atomic Energy Commission from 1946 through 1948, in the Commission for Conventional Armaments from 1947 through 1950, in the special meetings of the Six Permanent Members of the United Nations Atomic Energy Commission in 1949 and 1950, and in the United Nations Disarmament Commission since 1951, the overwhelming majority of nations was able to reach agreement—the Soviet Union alone prevented progress.

3. Despite this discouraging record, the President, in his address on December 8, stated that the United States, heeding the resolution of November 28, 1953 ⁵ of the General Assembly of the United Nations, was "prepared to meet privately with such other countries as may be 'principally involved' to seek 'an acceptable solution' to the atomic armaments race which overshadows not only the peace but the very life of the world."

II.

4. In his address, the President also stated that the United States would carry into these talks a new proposal for an international atomic energy agency to expedite the use of atomic energy to serve the peaceful pursuits of mankind. In its memorandum of March 19, ⁶

¹ Department of State *Bulletin*, Oct. 4, 1954, pp. 485-486.

² *Ibid.*, p. 479.

³ *Ibid.*, pp. 482-484.

⁴ *Supra*, doc. 17.

⁵ *Supra*, doc. 16.

⁶ *Supra*, doc. 18.

the United States explained in more detail its views on the method for converting this conception into a practical reality. The Aide-Memoire of April 27 of the Soviet Union appears to misconstrue completely the purpose of this specific proposal.

5. This proposal was intended to make a beginning toward bringing to the peoples of the world the peaceful benefits of atomic energy. This offer by the United States to join with other nations having atomic facilities to furnish fissionable material and atomic energy technology for the common benefit, would provide a new opportunity for international cooperation. Successful cooperation in the implementation of the President's proposal would surely result in an improved atmosphere, which, in turn, could significantly improve the prospects for genuine, safeguarded international disarmament. The proposal itself was not put forward as a disarmament plan.

6. The Soviet Aide-Memoire of April 27 states in effect that the USSR will not cooperate in steps to achieve peaceful benefits of atomic power for the world until the United States agrees to a ban on the use of atomic weapons. The primary reason given for this position is that under the President's United Nations proposal, stockpiles of weapon grade material could continue to increase after the international agency had been established. Yet the Soviet proposal for a ban on weapons' use would not in any way prevent such increases in stockpiles. Accordingly, the United States cannot agree that the Soviet position provides a valid objection to proceeding at this time with steps for promoting the peaceful uses of atomic energy.

7. The Soviet Union also appears to assume that any form of peaceful utilization of atomic energy must necessarily increase stocks of materials available for military purposes. In reality, however, ways can be devised to safeguard against diversion of materials from power producing reactors. And there are forms of peaceful utilization in which no question of weapon grade material arises.

8. The United States believes that the nations most advanced in knowledge regarding the constructive uses of atomic energy have an obligation to make it available, under appropriate conditions, for promoting the welfare of peoples generally. At the present stage of nuclear technology, the United States believes that it is now possible to make a beginning in this direction. Accordingly, the United States will feel free to go ahead with its proposal with other interested nations, even though the Soviet Union does not wish to pursue it at this time. If at a later time the Soviet Union should decide to take part in any such discussions, the United States will continue to welcome such participation.

III.

9. The Soviet Union refers to its proposal of January 30 for an international agreement calling for unconditional renunciation of the use of atomic, hydrogen and other forms of weapons of mass destruction. The United States has thoroughly and earnestly considered this proposal in accordance with its oft-declared policy to examine with an open mind all suggested approaches to the problem of disarmament.

10. In the opinion of the United States, any effective plan for disarmament must provide satisfactory answers to two fundamental questions:

a. First, will the plan result in an actual reduction or elimination of national armaments in a manner consistent with the security of each nation? A paper promise not to use weapons will not enable the nations safely to reduce their armaments. The very existence of any weapon poses the possibility of its use, despite promises not to do so, which can be broken without notice.

b. Second, will the plan materially reduce or eliminate the danger of aggression and warfare? If any plan would, in fact, tend to increase the danger of resort to war by a potential aggressor, it would not accomplish the basic purpose of disarmament.

11. The Soviet Union's proposal of January 30 fails to meet either of these basic tests, or to offer any hope for beneficial results in the disarmament field:

a. It would leave unimpaired existing armaments and continued armament production. This is clear from the terms of the Soviet proposal itself. There would be only an exchange of promises not to make use of weapons which are still retained. There could be no certainty that these assurances would be observed. The maintenance of stocks of weapons and the continued manufacture of weapons would bear ominous witness to the danger that the assurances might be disregarded.

b. The danger of aggression and war would not be lessened if the Soviet proposal were put in effect. Indeed, it could be increased, since the deterrent effect upon a potential aggressor of the existence of nuclear weapons would doubtless be lessened if his possible victims had undertaken an obligation not to use them. Such an aggressor might be tempted to initiate an attack in the hope that the ban would prevent or delay the use of such weapons in the defense of his victims. Yet, the aggressor with nuclear weapons would be in a position to repudiate his past assurances and employ nuclear weapons whenever it suited his interests. Thus, such a plan might merely serve to induce aggression and weaken its victims.

12. Not only does the Soviet proposal fail to meet the necessary tests of any effective plan to prevent atomic warfare, but it would in fact harm the chances of adoption of any such effective plan. For surely the Soviet proposal, if it were accepted, would tend to create the deceptive impression that the danger of atomic warfare had somehow been limited and weaken the vigilance of the people regarding a threat which had, if anything, increased. This false sense of security could discourage further efforts to achieve genuine disarmament under effective safeguards, which would actually enhance the security of all, reduce the danger of war, and lighten the heavy burden of armaments.

IV.

13. The United States reaffirms, as it did in the resolution adopted by the United Nations General Assembly on November 17, 1950,¹ that, whatever the method used, aggression itself is the gravest of all dangers. Only if there is aggression will the world be exposed to the horrors of modern war.

14. The signatories of the United Nations Charter have undertaken solemn assurances not to commit aggression. In conformity with its historic traditions, the United States will never violate that pledge. But, as indicated, the United States is convinced that the only truly effective way to ensure that aggression will not take place and that nuclear weapons will not be used in war is to adopt a safeguarded, balanced system of disarmament. Such a system could materially reduce the chance of successful aggression, and thereby minimize the risk of any aggression at all.

15. The United States continues to believe that a solution of the armaments problem is essential. Despite its inability to accept the Soviet proposal, the United States is ready at all times to discuss acceptable measures for effective disarmament under proper safeguards. It is prepared to do so either in the continuation of private exchanges or in the United Nations Disarmament Commission. In view of the urgency of disarmament, the United States will welcome such a continuation if the Soviet Union considers it a useful means for seeking a common approach to this problem.

16. The United States also hopes that, in the light of the foregoing, the Soviet Union will wish to comment further on the concrete proposal submitted by the United States on March 19, 1954. In any event the United States is prepared to renew with the Soviet Union at any time the talks on the President's proposal.

23. FOURTH REPORT OF THE UNITED NATIONS DISARMAMENT COMMISSION, JULY 29, 1954²

1. Following requests to the Chairman dated 3 April 1954 from the representatives of France (DC/41), the United Kingdom (DC/42) and the United States (DC/43), the Disarmament Commission resumed its meetings on 9 April 1954 for the consideration of the tasks of the Commission in accordance with General Assembly resolution 715 (VIII).³

2. At the 32nd meeting the representative of the United Kingdom proposed that, as had been suggested in resolution 715 (VIII), the Commission should establish a Sub-Committee which should seek in private an acceptable solution. He proposed that the Sub-Committee should consist of representatives of Canada, France, the Union of Soviet Socialist Republics, the United Kingdom and the

¹ *Supra*, pp. 168-169.

² U. N. doc. DC/55.

³ *Supra*, doc. 16.

United States. Following the meeting the representative of the United Kingdom submitted a draft resolution (DC/47/Rev.1) embodying his proposal.

3. At the 33rd meeting the representative of the Union of Soviet Socialist Republics submitted an amendment (DC/48) which would have added to the membership of the Sub-Committee the People's Republic of China, Czechoslovakia and India.

4. At the 35th meeting the USSR amendment was rejected by 10 votes to one, with one abstention, and the United Kingdom draft resolution was adopted by 9 votes to one, with 2 abstentions. The adopted resolution (DC/49) read as follows:

"The Disarmament Commission,

"Noting General Assembly resolution 715 (VIII) and the resolution on disarmament agreed by the four Foreign Ministers at Berlin on 18 February 1954,

"1. Decides, pursuant to General Assembly resolution 715 (VIII), to establish a Sub-Committee consisting of representatives of Canada, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America;

"2. Recommends that the Sub-Committee should hold its first meeting on 23 April, and should arrange its own meetings and method of work;

"3. Recommends that the Sub-Committee should present a report on the results of its work to the Disarmament Commission not later than 15 July."

5. Pursuant to the above decision, the Sub-Committee held its first meeting at United Nations Headquarters in New York on 23 April, considered administrative and procedural arrangements and agreed to continue its discussions in London on or about 13 May.

6. The Sub-Committee continued its discussions in Lancaster House in London at nineteen meetings between 13 May and 22 June. On the latter date the Sub-Committee approved its report to the Commission (DC/53).

7. The Disarmament Commission considered the report of the Sub-Committee at its 36th to 43rd meetings between 20 and 29 July 1954, the verbatim records of which are contained in DC/PV.36-DC/PV.43.

8. By letter dated 22 July to the Chairman (DC/54), the representative of India requested that the proposals of the Government of India contained in document DC/44 and Corr. 1 be incorporated in the Commission's report. At its 43rd meeting the Commission decided to annex document DC/44 and Corr. 1 to this report.¹

9. The Commission expresses the hope that circumstances will facilitate the continued and fruitful consideration of the question of disarmament, the capital importance of which, in conjunction with other questions affecting the maintenance of international peace, is recognized by all.

¹ Not reprinted here.

10. This report was approved by the Commission on 29 July 1954 and is hereby submitted to the General Assembly and to the Security Council in accordance with paragraphs 4 and 6 of resolution 715 (VIII).

II. EFFORTS TOWARD THE PEACEFUL APPLICATION OF ATOMIC ENERGY AND TOWARD THE ESTABLISHMENT OF AN INTERNATIONAL CONTROL AGENCY, 1954-1955

4. PROPOSED INTERNATIONAL ATOMIC ENERGY AGENCY AND INTERNATIONAL CONFERENCE ON THE PEACEFUL USES OF ATOMIC ENERGY: Resolution 810 (IX) of the United Nations General Assembly, December 4, 1954¹

The General Assembly,

Believing that the benefits arising from the momentous discovery of atomic energy should be placed at the service of mankind,

Desiring to promote energetically the use of atomic energy to the end that it will serve only the peaceful pursuits of mankind and ameliorate their living conditions,

Recognizing the importance and the urgency of international co-operation in developing and expanding the peaceful uses of atomic energy to assist in lifting the burdens of hunger, poverty and disease,

Believing also that all nations should co-operate in promoting the dissemination of knowledge in the realm of nuclear technology for peaceful ends,

A

CONCERNING AN INTERNATIONAL ATOMIC AGENCY

Recalling the initiative of the President of the United States of America, embodied in his address of 8 December 1953,²

Noting that negotiations are in progress, and the intention that they should continue, for the establishment as quickly as possible of an International Atomic Energy Agency to facilitate the use by the entire world of atomic energy for peaceful purposes, and to encourage international co-operation in the further development and practical application of atomic energy for the benefit of mankind,

1. *Expresses the hope* that the International Atomic Energy Agency will be established without delay;

2. *Suggests* that, once the Agency is established, it negotiate an appropriate form of agreement with the United Nations;

¹ U.N. General Assembly, *Official Records, Ninth Session, Supplement No. 21 A/2890*, pp. 4-5; see also Department of State *Bulletin*, Mar. 14, 1955, pp. 444 ff.

² *Supra*, doc. 17.

3. *Transmits* to the States participating in the creation of the Agency, for their careful consideration, the record of the discussion of this item at the present session of the General Assembly;

4. *Suggests* that Members of the United Nations be informed as progress is achieved in the establishment of the Agency and that the views of Members which have manifested their interest be fully considered;

B

CONCERNING THE INTERNATIONAL CONFERENCE ON THE PEACEFUL
USES OF ATOMIC ENERGY

1. *Declares* the interest and concern of the General Assembly in helping in every feasible way to promote the peaceful applications of atomic energy;

2. *Decides* that an international technical conference of Governments should be held, under the auspices of the United Nations, to explore means of developing the peaceful uses of atomic energy through international co-operation and, in particular, to study the development of atomic power and to consider other technical areas—such as biology, medicine, radiation protection, and fundamental science—in which international co-operation might most effectively be accomplished;

3. *Invites* all States Members of the United Nations or of the specialized agencies to participate in the conference and to include among their representatives individual experts competent in the atomic energy field;

4. *Suggests* that the international conference should be held no later than August 1955 at a place to be determined by the Secretary-General and by the Advisory Committee provided for in paragraph 5 below;

5. *Requests* the Secretary-General, acting upon the advice of a small committee composed of representatives of Brazil, Canada, France, India, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, to issue invitations to this conference, to prepare and circulate to all invitees a detailed agenda, and to provide the necessary staff and services;

6. *Suggests* to the Secretary-General and the above-mentioned Advisory Committee that, in making plans for the international conference, they consult with competent specialized agencies, in particular the Food and Agriculture Organization, the World Health Organization, and the United Nations Educational, Scientific and Cultural Organization;

7. *Invites* the interested specialized agencies to designate persons to represent them at the conference;

8. *Requests* that the Secretary-General circulate for information a report on the conference to all Members of the United Nations, and to other Governments and specialized agencies participating in the conference.

PLANS FOR UNITED STATES PARTICIPATION IN THE INTERNATIONAL CONFERENCE ON THE PEACEFUL USES OF ATOMIC ENERGY: Joint Announcement by the Department of State and the United States Atomic Energy Commission, February 23, 1955¹

Preliminary plans for participation by the United States in the International Conference on the Peaceful Uses of Atomic Energy at Geneva, Switzerland, August 8-20, 1955, were announced today.

The U.S. Government has accepted the invitation to participate in the Conference,² which was extended by the United Nations to 84 nations, including 9 from the Soviet bloc. Enclosed with the invitations were several documents, including the Topical Agenda for the Conference and the Conference Rules of Procedure.

Primary responsibility for the technical planning and preparation of U.S. participation in the Conference has been assigned to the U.S. Atomic Energy Commission. The Commission has named Dr. George L. Weil, former Assistant Director of its Reactor Development Division and now a consultant to the Commission, as Technical Director for U.S. participation in the international Conference.

President Eisenhower's proposal for a worldwide conference to promote the dissemination of new information on peaceful uses of atomic energy was first announced by Chairman Lewis L. Strauss of the U.S. Atomic Energy Commission on April 19, 1954.³ It will be held under the auspices of the United Nations, which authorized the meeting by formal resolution of the U.N. General Assembly on December 4, 1954.⁴

The Conference is an outgrowth of the atoms-for-peace proposals adopted before the United Nations on December 8, 1953, by President Eisenhower⁵ when he urged that the atomic resources of the world be mobilized to apply the benefits of atomic energy to the cause of peace.

The Conference will be devoted to the presentation of information on reactor technology; atomic power; radiation protection; applications of atomic energy to biology, medicine, and agriculture; and the industrial uses of radioisotopes.

The Atomic Energy Commission is assembling through key U.S. educational institutions, industrial establishments, and research centers (government and private) technical information in the fields appropriate to the Conference agenda. It is believed that papers presented by U.S. scientists and engineers will make substantial contributions to all segments of the topical agenda.

The Commission also is planning a technical exhibit at the Conference site at Geneva. More than 60 institutions and firms already have signified interest in participating in this U.S. Government exhibit.

Department of State *Bulletin*, Mar. 14, 1955, p. 444.

For text of invitation, see Department of State press release 98, Feb. 23, 1955.

See Department of State *Bulletin*, May 3, 1954, pp. 659-662.

Res. 810 (IX), *supra*.

See *supra*, doc. 17.

In addition to heading the Commission staff assigned to the planning and preparation of the meeting, Dr. Weil will undertake to coordinate the technical participation in the meeting by other interested agencies.

Invitations are being issued requesting that abstracts of papers be submitted prior to March 11 for consideration for the U.S. program, which in turn will be submitted to the U.N. Secretary-General. Interested individuals should contact their organizations for copies of the Conference topical agenda and rules of procedure.

26. REPORT ON THE INTERNATIONAL CONFERENCE ON THE PEACEFUL USES OF ATOMIC ENERGY: Address by the Chairman of the United States Atomic Energy Commission,¹ September 28, 1955²

The posture of a nation is a composite of the words of its leaders and the deeds of its people. The Atomic Energy Conference had its origin in President Eisenhower's unforgettable words to the United Nations in December of 1953 when he told of the great promise in store for peoples everywhere if the world's scientists and engineers could be free to devote themselves fully to the benign uses of the atom.³

Four months later we moved to translate the President's vision into deeds. We proposed a world conference to compare notes on the peaceful atom, for we were convinced that such a conference would give to the peoples of the world a clearer understanding of the paramount problem of this age—a realization of the blessings denied to all of us by reason of the fact that atomic armament must have first call upon the resources, intellectual and material, of a world precariously at peace.

The problem is not a new one. As children, we all grew up with the Arabian Nights story of the fisherman who found a bottle in his nets, uncorked it, and released a great cloud which rapidly transformed itself into the monstrous and threatening Djinn. The story ended happily, as you recall, by the fisherman's artifice in inducing that unwelcome apparition to return to the bottle and become captive once more.

This fable, even to the illustrations of the great mushroom cloud from which the Djinn materialized, is like the situation we face today—how to render atomic energy harmless, how to get it back into its bottle, under control, so we may make it fulfill our wishes for good purposes only.

The Geneva conference⁴ was a step toward that goal, but only a step. The press of the world, which sent some 800 reporters to

¹ Lewis L. Strauss.

² Made before the Atomic Industrial Forum and the American Nuclear Society at Washington, D. C.; Department of State *Bulletin*, Oct. 10, 1955, pp. 555-559.

³ See *supra*, doc. 17.

⁴ Held Aug. 8-20, 1955.

Geneva, was enthusiastic and generous in its appraisal of the proceedings. They were described as a resounding triumph of "atoms for peace." But this should not conceal for us the fact that the conference was only a preliminary move in a right direction and that succeeding steps will have to be taken if any permanent good is to result.

But it was a truly gratifying beginning. The enthusiasm and cooperation which it inspired among the nations, great and small, surpassed the expectations of those whose task it was to set up the conference machinery. They had anticipated that the conference might attract some 400 scientists and that perhaps 300 papers would be submitted. Actually we found that 72 nations were eager to participate and that, not 400 scientists and engineers, but 1,400 would attend. The number of reports and papers submitted was not 300, but nearly four times as many—so many in fact that only a fraction could be presented orally. But most of them, brilliant works, will be published.

The day is not yet here for a precise evaluation of these more than 1,100 papers and discussion sessions. However, enough time has perhaps elapsed for a reminiscent look at the conference, to appraise its more obvious and immediate effects and some of the initial benefits gained from it. Within those limits I would like to give you my impressions, admittedly from the viewpoint of a prejudiced observer.

First, I might say something about our own participation. Our United States delegation was selected with great care and numbered 384 persons, of whom 239 were scientists and engineers, the remainder being the necessary staff to operate the exhibits, the reactor, and other services.¹

Of the 1,110 papers presented to the conference by all the participating countries, either orally or for inclusion in the published proceedings, approximately one-half—to be precise, 48.2 percent—were submitted by the United States. All our papers had been prepared months in advance and carefully reviewed to make certain that no matters of military significance were compromised.

The nations having atomic energy programs of any magnitude had impressive technical exhibits at the conference, but incontestably the star attraction was our operating research reactor, built at our Oak Ridge Laboratory, flown to Geneva, and erected on the grounds of the Palace of Nations. The attractive redwood structure we put up to house the reactor quickly acquired the nickname of "The Tennessee Chalet," and it was visited by more than 63,000 persons during the 2 weeks of the conference. Incidentally, for most of the delegates from other countries, including scientists and engineers come to deliver learned papers on atomic energy, it was their first opportunity to see an actual atomic reactor of any kind, much less to operate its controls as very many of them did. We also had in our main exhibit an outstanding demonstration of what Americans are doing in pure science, industry, medicine, and biology, and more about power development. Many of you here tonight contributed

¹ For a list of the U.S. delegation, see *The Department of State Bulletin*, Aug. 8, 1955, p. 243.

to this exhibit and are familiar with it. Some of those exhibits, brought from Geneva, are included in the Trade Fair on exhibition here.

At a trade exposition in another section of Geneva, industrial firms of several countries—the Soviets excepted—showed their products to good effect, but we made it clear that we had not come to Geneva to boast of our scientific prowess or, in other words, that we had not entered with the spirit of carrying off all the laurels in a sort of atomic Olympic Games.

The Soviet had a large technical exhibit which was chiefly remarkable, from my point of view, for the fact that it was there at all. We have had "atoms for peace" exhibits circulating around the world for more than a year. But, until this conference, we had seen nothing of Russian progress in this field. Therefore, great interest and conjecture attached itself to anything they proposed to show. Because the rest of the world knew so little of what the Russians were doing with the peaceful atom, it was clear that whatever they exhibited, or even reported, would be in the nature of a revelation.

Let me at this point say that they did come up with a great deal. There was no evidence, however—photographic or otherwise—to support the statement made by Soviet official spokesmen a few years back to the effect that, whereas the United States was engrossed with atomic energy to make bombs, they, the Soviets, were using atomic energy to change the courses of rivers and to remove mountains. On the other hand, their exhibits in areas of biology, in certain industrial applications, and in general instrumentation were not unimpressive and occasionally not greatly dissimilar from our own.

However, it was electrical power generation from atomic energy that attracted particular interest in the Soviet exhibit. They demonstrated a scale model of their 5,000-kilowatt reactor and a motion picture of the reactor itself, well photographed and accompanied by a narration in English. They also indicated that larger power reactors of a different design were planned. We, of course, have had units substantially larger than the Soviet plant operating for a considerable time, and far larger ones are building.

Soviet written reports to the conference showed careful preparation and a considerable amount of detail. But it became apparent early in the proceedings that, in answering the questions of delegates, they were not prepared to engage in the same degree of frankness as other delegations.

The Russian delegation, of whom some 79 were technicians, impressed our people as generally competent and, in some instances, as exceptional men. We have no way of knowing whether it was their first team, but as one of our people said, "They were good enough to be a first team."

It is the general impression among the members of our delegation that, on the basis of Geneva, we are well ahead of other nations—all other nations—in both the scope and the state of our technology in using atomic energy for peaceful purposes. This, however, was to be expected since we appear to have a considerably larger program

than any other country and we have been engaged upon it for a longer time.

In this connection it is interesting to note, however, that at least one of the Russian papers presented at the conference bore the date of 1943, indicating that they had been seriously concerned with the subject for a longer time than many of us realize.

While what the Russians revealed at Geneva did not contain anything new or startling, it did give some insight into their working methods and into the caliber of their research. On the basis of their role at Geneva, they appeared stronger in basic research than in its practical applications.

The fact that we appear to be ahead in the peaceful applications of atomic energy—perhaps by a scant few years—certainly offers no justification for complacency. To the contrary, the situation must be regarded as a serious challenge. The Soviets have not outstripped nor equaled us in any peaceful application, but at the same time—and this is important—we did not show anything at Geneva which they cannot have in a few years, given the talent and zeal which we believe them to possess.

Too many of us have been thinking of the Russians, either by education or temperament, as not quite equal to us in the technological sense. Despite the many things wrong with their political system from our point of view, let us not fall into the easy attitude of assuming that they cannot compete with us in mastering atomic energy. The early date at which they produced nuclear weapons should be a constant reminder of the fallacy and danger of such an attitude on our part. We can never let down our research without letting down our guard at the same moment.

Also, the belief that science cannot thrive under conditions designed solely to protect the security of data already in hand and deemed important to national defense would seem to be brought into question by the degree of Soviet progress. This progress was achieved under security provisions which are part of a complete tyranny where communication is rigidly controlled and the individual has no rights. Since *we* proceed under the policy of removing information from classification as rapidly as possible, the Soviet results present something of a paradox.

With respect to power from atomic energy, the Geneva conference made it evident that, while others are engaged in extensive undertakings, our program is presently substantially ahead in extent and in the versatility of its approach. As you know, we are relatively close in the United States to the production of economic, electrical energy. Even today, the kilowatts we are producing in our reactors would be economic in some parts of the world.

But different countries are taking different paths to power development, depending upon varying economic factors. England, for example, foresees the end of her increasingly expensive coal. For England, therefore, time is of the essence; she cannot afford to wait for development of the ultimate reactor of maximum efficiency.

Soviet Russia has no private industry interested in developing the

peacetime uses of atomic energy and no spirit of competitive free enterprise. In Russia the whole show is a government monopoly. It will be interesting to see how this will affect the search for a more economic and efficient power system than the one they exhibited.

We, in the United States, are fortunate in that we face no urgent shortage of conventional fuels. We have time and the opportunity to attack the problem from every side and to experiment simultaneously with a whole variety of atomic power systems. That is exactly what we are doing. Last week the Commission took another step forward and invited proposals from industry and other groups for the design and construction of small atomic power plants. This marks the second round of a partnership program designed to speed the development of efficient, economic nuclear power. Our first power demonstration reactor program began, as you know, earlier this year and produced proposals for large plants. American industry is dedicating risk capital in a conservative race to produce the best and most efficient means of atomic power—knowing full well that the first plants will not be economic.

To sum up, we did not go to this conference in an effort to carry away all the honors. If there was some semblance of a contest, in the technical exhibits and in the papers presented, no one lost in this competition. All the nations gained, and the winner was mankind.

From the viewpoint of our national self-interest, however, the conference was certainly a victory for fundamental American policy. We achieved new understanding abroad of our earnest effort to promote a decent and enduring peace.

As a people, knowing full well the sincerity of our own desire for peace, we have not always appreciated how the rest of the world regarded us. Sometimes even nations whose safety from aggression has depended upon our possession of nuclear weapons have shown a tendency to view us with suspicion. Too often, in the past, Communist propaganda has had some success in depicting us as warmongers interested in the atom only to make bombs and ready to use them to gain our supposed imperialist aims. This myth was effectively demolished at Geneva and without our having to brand it as a myth. Our scientists and engineers who went to Geneva and who unfolded there a factual account of our purpose and efforts to use the atom for man's benefit were ambassadors of peace, plenipotentiary and extraordinary.

The conference was convened without any political objective. Nor did it, in its 162 hours of sessions, encounter any political complications. Under its "ground rules" any discussion of political topics or of atomic weapons was out of bounds by common consent, in advance. The fact that no violations of either the letter or the spirit of the conference occurred is one of the principal explanations for its success. But notwithstanding the absence of politics from the conference, it is bound to have a profound international political impact.

What were its chief results? It would appear that there were several, both immediate and for the not-distant future:

First, the free world—perhaps even the Soviet—has a new understanding of the absolute sincerity of our desire to strip the atom of its “military casing” and “adapt it to the arts of peace.” The conference substantially advanced the President’s program of “atoms for peace.” Any suspicion of our motives, imported to the conference, could not have survived the 2 weeks of Geneva, and many delegates volunteered that statement to me in similar words.

Second, communication was reestablished between men of science who for many years had experienced the isolation of finding those lines down. As a result, much cross-fertilization of ideas will occur and that, inevitably, will stimulate new inventions in many phases of the atomic art during the next year or two.

Third, there can no longer be any talk of nations which, from the point of view of possessing information for the peaceful applications of atomic energy, are “have not” nations. The smaller nations were impressed by the fact that the development of atomic power is a very complex and expensive undertaking—an undertaking which requires, first of all, a grounding in the basic technology and then a substantial body of trained scientists and engineers. The notion that all they have to do is place an order for a reactor out of a catalog and be immediately in business to provide electrical energy from atomic power—if such a notion existed—was, or should have been, dispelled at Geneva.

Fourth, we gained much information of value to ourselves from the conference. One byproduct, I believe, was a rebirth of humility. We learned not to underrate the competence of others and to cease to think of ourselves—those of us, that is, who were so inclined—as especially and exclusively gifted with imagination and ability in exploring the possibilities of the new worlds that lie ahead. This realization could save us in the future from some grievous error of judgment.

Fifth, all of us were impressed by the disturbing fact that Russia appears to be training scientists and engineers at a faster rate than we are. Mr. Allen Dulles, the distinguished Director of our Central Intelligence Agency, has publicly stated that, between 1950 and 1960, Soviet Russia will have graduated 1,200,000 scientists and engineers, compared with about 900,000 in the United States in our present program. Those figures would not be so important did we not know that our own colleges and universities are turning out only about half the number of engineers we require today. Unless corrected, this situation, a generation hence, will become a national calamity, imperiling our security and freedom in an age of expanding dependence upon science and technology. This is a most serious subject and demands prompt consideration and more emphasis than I can give it in this general report.

Sixth and finally, in this listing of the results of the world’s first Conference on the Peaceful Uses of Atomic Energy, I come to the brightest, most appealing of all its accomplishments. As our story of the peaceful atom was printed widely overseas, the result was that for millions of people all over the world Geneva cast off the mesmerism

of the bomb. No other event that has occurred has done so much toward taking the horror—the terror—out of the atom.

The first decade of man's mastery of the atom, in its actual application, began on an early morning in July of 1945 in a blinding flash over the sands of Alamogordo. The monstrous Djinn had been released from the bottle. The second decade of the atom may be said to have begun in Geneva, 10 years later, but this time it emerged, not as a terrifying monster, but as the powerful, obedient servant of man. Wider horizons of grander view were opened. To many, it must have seemed that, overnight, the atom had been transformed from a thing of fear and terror to a promise of great blessing.

History may record that in Geneva, at the opening of this second decade of the atom, mankind's stake in peace was lifted out of the paralysis of fear to a vision so compelling as to render unthinkable the very notion of another major war. If the conference produced such a vision, it made a good and auspicious beginning. We must not allow that vision to fade—either for us or for other men.

27. SUMMARY OF ATOMIC ENERGY NEGOTIATIONS: Report to the President by the United States Representative for International Atomic Energy Negotiations,¹ November 30, 1955 (Excerpt)²

The following is a progress report of my activities for the year during which I have served.

I. *Discussions Abroad*

In December 1954, at the suggestion of the Joint Atomic Energy Committee of the Congress, I joined certain of its members in visiting a number of European countries to determine the international response to our "Atoms for Peace" program. In Turkey, Greece, Italy, Spain, Portugal, France, and Switzerland, I consulted the individuals in government and in business chiefly concerned with atomic energy programs. It was apparent that the prospective demand for power in all these countries far exceeded their conventional fuel resources and that all of them would seek as rapidly as possible to develop atomic power programs. It was clear that they wished to cooperate and exchange information immediately with the United States. They preferred not to wait for the creation of an International Agency.

II. *Negotiations for an International Atomic Energy Agency*

The Secretary of State in his opening statement to the Ninth United Nations General Assembly on September 23, 1954³ stated

¹ Morehead Patterson.

² Department of State *Bulletin*, Jan. 2, 1956, pp. 5-7.

³ For the full text of this statement, see *supra*, pp. 92-100.

that the U.S. efforts "have been and will be directed primarily toward the following ends: 1) The creation of an International Agency whose initial membership will include nations from all regions of the world. It is hoped that such an Agency will start its work *as early as next year.*" The view of the United States that the Agency should come into being as soon as possible became the view of the United Nations when the General Assembly by a unanimous vote passed a resolution expressing "the hope that the International Atomic Energy Agency will be established without delay."¹

This raised a basic issue—how it would be possible to solve the many complicated problems and troublesome details and at the same time establish an Agency at an early date. It was my conclusion that the draft Statute of the Agency² should be a broad constitutional framework—a statement of general principles rather than a point-by-point revelation of details—which would leave the Agency free to develop primarily as an operating Agency after its creation. The Agency should be led and operated by experts in the field and administrators qualified to meet and cope with the uncharted and evolving problems which will have to be solved. I proceeded on this basis, bearing constantly in mind the examples of the International Bank and the International Monetary Fund as organizations which have carried out great responsibilities in a businesslike and successful manner.

Among the problems which could be dealt with after the establishment of the Agency were the location of its headquarters and the functions it would assume under its broad grant of authority.

It was clear that the membership as a whole could not deal with the day-to-day technical problems which would confront the Agency. Therefore, we provided in the Statute for a Board of Governors with broad authority to make most of the necessary decisions for the Agency. The membership as a whole—described in the Statute as the General Conference—maintains its control over the Board of Governors through election of a number of its members and through complete control over the purse. The budget must be approved by a two-thirds vote of the General Conference.

The provisions of the Statute dealing with composition and selection of the Board of Governors were designed to reflect the realities of the international situation. It is clear that for a number of years the Agency will secure its fissionable materials, its source materials and its technical skill from a very small number of States. It would be unrealistic to disregard this situation in developing a formula for composition and selection of the Board of Governors of the Agency. We studied a number of methods of meeting this situation. One possibility was to provide a system of weighted voting in the Board of Governors dependent upon the size of contributions. This was not feasible because of the technical difficulties of evaluating contributions.

¹ Res. 810 (IX) of Dec. 4, 1954; *supra*, doc. 24.

² For the text of the draft Statute, see the Department of State *Bulletin*, Oct. 24, 1955, pp. 666-672.

Another possible method of meeting this situation was to provide that certain countries with the most advanced atomic energy programs should be permanent members of the Board of Governors. This did not seem desirable for two reasons: Over a period of years quite a number of additional States are likely to develop important atomic energy programs. Furthermore the possibility exists that a State designated as a permanent member would fail to make a substantial contribution to the Agency.

The formula which we developed, while it necessarily could not fully satisfy everyone, seems to me a sound one. It places appropriate emphasis upon contributions of fissionable materials, of technical skills, and of source materials. It contemplates extensive changes in the composition of the Board as other States developed their resources of uranium and thorium and their atomic energy programs. It provides substantial representation for countries which would be in a position to contribute neither fissionable materials nor source materials nor technical skills.

I have gone into some detail in connection with this provision of the Statute since it was far the most difficult problem which faced the negotiating group.

Generally as the negotiating group clarified the problems and visualized in detail how the Agency would operate, solutions of other problems suggested themselves.

Procedurally the negotiations developed somewhat as follows: The United States prepared a first draft of the Statute taking into consideration suggestions received from other negotiating States and also from the United Nations General Assembly debates. This draft was then submitted to the negotiating States on March 29, 1955. During April and May the United States discussed this draft with all the negotiating States and also received further comments from interested agencies of the United States Government which had not participated in the original drafting.

After a thorough discussion, it developed that there was sufficient unanimity among all negotiating States so that substantially all of the suggested changes could be reconciled and incorporated into a new draft of the Statute. This new draft was transmitted to the Soviet Union on a confidential basis on July 29, 1955, and its comments were requested. It was distributed by the United States on behalf of the negotiating States also on a confidential basis to all eighty-four States Members of the United Nations or of the specialized agencies on August 22, 1955. Comments on the Statute were requested from all States.

Many comments have been received either through communications to the State Department or through statements made in the recent debate on this subject in the Tenth General Assembly. These comments indicate that differences in viewpoint as disclosed to date are mainly concentrated on a few points such as: a) composition and manner of selection of the Board of Governors of the Agency; b) relationship of the Agency to the United Nations; c) procedures for

approval of the budget and prorating among States of operating expenses.

The United States and the other negotiating States have sought to give full consideration to the viewpoints expressed by all of the States. It would not, however, be feasible to include within the negotiating group all States which have made comments. A group of that size could not effectively work out the technical details of a Statute. Also a detailed discussion of the Statute in the General Assembly was undesirable at this stage.

On October 21, the United States called for an Operating Level Meeting to consider further the draft Statute.¹ The United States asked the Soviet Union, Czechoslovakia, India, and Brazil in addition to the original negotiating group to participate in this Meeting. The USSR on October 1 had suggested such a meeting with the USSR and Czechoslovakia added to the original eight negotiating States. Thus the phase of the negotiations which I have conducted has now been merged with the negotiations with the USSR, heretofore reserved for the attention of the Secretary of State. The new group will seek to reconcile differences of viewpoint and to produce a Statute which will be acceptable to as many States as possible.

On many fundamental matters all States are thinking basically along the same lines. The differences of viewpoint, while substantial, seem capable of reconciliation. The unanimous approval by the Tenth General Assembly of the resolution dealing with the peaceful uses of the atom² highlights the great progress that has already been made.

III. *Bilateral Agreements for Cooperation*

The informal discussions among the eight States participating in the drafting of a Statute for an International Agency had by December 1954 revealed that the drafting of a Statute of an International Agency satisfactory even to the eight States initially participating in the negotiations, would in itself be a considerable task. To secure the views of all other States would certainly take a year. Therefore immediate achievements in advancing the Atoms-for-Peace program were more likely to result from bilateral agreements for cooperation.

The United States Atomic Energy Commission had already embarked upon extensive programs to share the benefits of the atom particularly through distribution of radio-isotopes,³ through furnishing extensive libraries of unclassified information to countries in all areas of the world and through extensive programs for training foreign students in the United States. This cooperation involving exchange of neither classified material nor fissionable materials was possible without formal agreements for cooperation.

A further approach promising immediate results was a program for the installation of research reactors abroad. These research reactors

¹ See Department of State *Bulletin*, Nov. 14, 1955, p. 798.

² Res. 912 (X) of Dec. 3, 1955; *infra*.

³ See *infra*, doc. 36.

would furnish training in the type of problems that would be encountered on a larger scale in the operation of power reactors. In addition, these research reactors would permit production abroad of a number of useful isotopes.

In order for countries to receive from the United States the atomic fuel necessary for the operation of the research reactors, it is necessary for them to enter into Agreements for Cooperation as provided by Article 123 of the Atomic Energy Act of 1954.¹ The discussions with several States which had already expressed an interest in such reactors disclosed that conditions and requirements in most countries were sufficiently similar so that a standard form of agreement could be prepared. Accordingly, the Department of State and the Atomic Energy Commission developed such an agreement which was first made available on March 22, 1955.

It was necessary that the Agreements for Cooperation be negotiated and initialed by approximately June 15 lest the adjournment of Congress in early August might make compliance with the thirty day waiting provision of Article 123 of the Atomic Energy Act of 1954 impossible until February of next year. The Missions in Washington of thirty-four States were contacted and twenty-four such Bilateral Agreements were initialed. Nineteen of these Agreements were initialed in time to become effective prior to the adjournment of Congress. (Annex I)

IV. Geneva Technical Conference

I attended the UN Technical Conference in Geneva from August 7 to August 20, accompanied by my Special Assistant. We discussed informally problems relating to the International Atomic Energy Agency with a large number of delegations.

ANNEX I

Missions Contacted

- | | |
|---------------|---------------------------|
| 1. Argentina | 18. Italy |
| 2. Australia | 19. Japan |
| 3. Austria | 20. Korea |
| 4. Brazil | 21. Lebanon |
| 5. Burma | 22. Mexico |
| 6. Chile | 23. Netherlands |
| 7. China | 24. New Zealand |
| 8. Colombia | 25. Pakistan |
| 9. Denmark | 26. Peru |
| 10. Egypt | 27. Philippines |
| 11. Finland | 28. Portugal |
| 12. France | 29. Spain |
| 13. Greece | 30. Switzerland |
| 14. India | 31. Thailand |
| 15. Indonesia | 32. Turkey |
| 16. Ireland | 33. Union of South Africa |
| 17. Israel | 34. Venezuela |

¹ Act of Aug. 30, 1954; *infra*, doc. 37.

BILATERAL AGREEMENTS FOR COOPERATION INITIALED OR SIGNED ¹

Country	Date Initialed	Date Signed	TIAS
1. Argentina.....	June 7, 1955	July 29, 1955	3299
2. Belgium.....		June 15, 1955	3301
3. Brazil.....	May 31, 1955	Aug. 3, 1955	3303
4. Canada.....		June 15, 1955	3304
5. Chile.....	June 20, 1955	Aug. 8, 1955	3306
6. China.....	June 14, 1955	July 18, 1955	3307
7. Colombia.....	May 31, 1955	July 19, 1955	3308
8. Denmark.....	June 10, 1955	July 25, 1955	3309
9. Greece.....	June 22, 1955	Aug. 4, 1955	3310
10. Israel.....	June 3, 1955	July 12, 1955	3311
11. Italy.....	June 7, 1955	July 28, 1955	3312
12. Japan.....	June 21, 1955	Nov. 14, 1955	3465
13. Korea.....	July 1, 1955	Feb. 3, 1956	3490
14. Lebanon.....	June 2, 1955	July 18, 1955	3313
15. Netherlands.....	June 14, 1955	July 18, 1955	3461
16. Pakistan.....	June 15, 1955	Aug. 11, 1955	3315
17. Peru.....	July 1, 1955	Jan. 25, 1956	3483
18. Philippines.....	June 14, 1955	July 27, 1955	3316
19. Portugal.....	June 14, 1955	July 21, 1955	3317
20. Spain.....	June 7, 1955	July 19, 1955	3318
21. Sweden.....	July 1, 1955	Jan. 13, 1956	3477
22. Switzerland.....	June 10, 1955	July 18, 1955	3319
23. Thailand.....	July 11, 1955	Mar. 13, 1956	3522
24. Turkey.....	May 3, 1955	June 10, 1955	3320
25. United Kingdom.....		June 15, 1955	3321
26. Uruguay.....	June 24, 1955	Jan. 13, 1956	3476
27. Venezuela.....	June 14, 1955	July 21, 1955	3323

28. ADDITIONAL INTERNATIONAL CONFERENCES ON THE PEACEFUL USES OF ATOMIC ENERGY AND CONTINUED NEGOTIATIONS FOR AN INTERNATIONAL ATOMIC ENERGY AGENCY: Resolution 912 (X) of the United Nations General Assembly, December 3, 1955 ²

The General Assembly,

Desiring that mankind should be enabled to make the fullest use of atomic energy for peaceful purposes,

Desiring to promote energetically the use of atomic energy to the end that it will serve only the peaceful pursuits of mankind and ameliorate their living conditions,

¹ This table, based on a list in Mr. Patterson's report, has been revised and enlarged to include all bilateral agreements initialed or signed in 1955. The agreements with Belgium, Canada, and the United Kingdom were not initialed prior to signature. All agreements entered into force on date of signature with the following exceptions: Netherlands, Dec. 30, 1955; Japan, Dec. 27, 1955; United Kingdom, Canada, and Belgium, July 21, 1955.

² U.N. General Assembly, *Official Records, Tenth Session, Supplement No. 19* (A/3116), pp. 4-5.

Recognizing the deep interest of all Members of the United Nations in achieving these ends,

Recalling its resolution 810 (IX) of 4 December 1954¹ concerning international co-operation in developing the peaceful uses of atomic energy, and recognizing that, in accordance with that resolution, significant progress is being made in promoting international co-operation for this purpose,

Having considered the report (A/2967) of the Secretary-General, submitted pursuant to paragraph 8 of section B of the above-mentioned resolution, on the International Conference on the Peaceful Uses of Atomic Energy held in Geneva from 8 to 20 August 1955,

Recognizing the necessity of ensuring that the facilities of the International Atomic Energy Agency and such fissionable material as may be placed at its disposal are not used for, or diverted to, other than peaceful purposes,

Believing that continuing international co-operation is essential for further developing and expanding the peaceful uses of atomic energy,

A

CONCERNING INTERNATIONAL CONFERENCES ON THE PEACEFUL USES OF ATOMIC ENERGY

1. *Expresses its satisfaction* with the proceedings of the International Conference on the Peaceful Uses of Atomic Energy convened in accordance with General Assembly resolution 810 (IX), and commends the participants therein for the high scientific quality of the papers and discussions, and for the spirit of co-operation which prevailed at the Conference;

2. *Notes* the impressive results achieved by the Conference in facilitating the free flow of scientific knowledge relating to the production and peaceful uses of atomic energy and in laying a foundation for the fuller exchange of information on the development of atomic energy for the aims of human welfare;

3. *Expresses its appreciation* of the work of the Secretary-General and of the Advisory Committee established under paragraph 5 of section B of resolution 810 (IX) in preparing and organizing the Conference;

4. *Recommends* that a second international conference for the exchange of technical information regarding the peaceful uses of atomic energy should be held under the auspices of the United Nations in two to three years time;

5. *Requests* the Secretary-General, acting upon the advice of the Advisory Committee referred to in paragraph 7 of section A of the present resolution and in consultation with the appropriate specialized agencies, to determine an appropriate place and date, to issue invitations to the conference in accordance with paragraphs 3 and 7 of section B of resolution 810 (IX), to prepare and circulate an agenda, and to provide the necessary staff and services;

¹ *Supra*, doc. 24.

6. *Invites* the specialized agencies to consult with the Secretary-General and the Advisory Committee with a view to ensuring proper co-ordination between the conference referred to in paragraph 4 above and such technical conferences as they or their affiliated non-governmental scientific organizations may convene on the more specialized aspects of the peaceful uses of atomic energy;

7. *Decides* to continue the Advisory Committee established under paragraph 5 of section B of resolution 810 (IX) in order that it may assist the Secretary-General in carrying out the provisions of the present resolution.

B

CONCERNING AN INTERNATIONAL ATOMIC ENERGY AGENCY

1. *Notes with satisfaction* that substantial progress has been made toward negotiation of a draft statute establishing an International Atomic Energy Agency and that this draft has been circulated to Governments for their consideration and comment;¹

2. *Welcomes* the announced intention of Governments sponsoring the Agency to invite all States Members of the United Nations or members of the specialized agencies to participate in a conference on the final text of the statute of the International Atomic Energy Agency;

3. *Further welcomes* the extension of invitations to the Governments of Brazil, Czechoslovakia, India and the Union of Soviet Socialist Republics to participate, as Governments concerned, with the present sponsoring Governments in negotiations on the draft statute of the International Atomic Energy Agency;

4. *Recommends* that the Governments concerned take into account the views expressed on the Agency during the present session of the General Assembly, as well as the comments transmitted directly by Governments, and that they take all possible measures to establish the Agency without delay, bearing in mind the provisions of the present resolution;

5. *Requests* the Secretary-General, in consultation with the Advisory Committee referred to in paragraph 7 of Section A of the present resolution, to study the question of the relationship of the International Atomic Energy Agency to the United Nations, and to transmit the results of their study to the Governments concerned before the conference referred to in paragraph 2 of section B above is convened;

6. *Requests* the Governments concerned to report to the General Assembly as appropriate;

7. *Suggests* that the International Atomic Energy Agency, when established, consider the desirability of arranging for an international periodical devoted to the peaceful uses of atomic energy.

¹ For text of Draft Statute, see Department of State *Bulletin*, Oct. 24, 1955, pp. 666-672. The text was circulated by the U.S. to other members of the U.N. and the specialized agencies on Aug. 22, 1955.

**29. EFFECTS OF IONIZING RADIATION: Resolution 913 (X)
of the United Nations General Assembly, December 3, 1955¹**

The General Assembly,

Recognizing the importance of, and the widespread attention being given to, problems relating to the effects of ionizing radiation upon man and his environment,

Believing that the widest distribution should be given to all available scientific data on the short-term and long-term effects upon man and his environment of ionizing radiation, including radiation levels and radio-active "fallout",

Noting that studies of this problem are being conducted in various countries,

Believing that the peoples of the world should be more fully informed on this subject,

1. *Establishes* a scientific Committee consisting of Argentina, Australia, Belgium, Brazil, Canada, Czechoslovakia, Egypt, France, India, Japan, Mexico, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the Union of Soviet Socialist Republics, and requests the Governments of these countries each to designate one scientist, with alternates and consultants as appropriate, to be its representative on this Committee;

2. *Requests* the Committee:

(a) To receive and assemble in an appropriate and useful form the following radiological information furnished by States Members of the United Nations or members of the specialized agencies:

- (i) reports on observed levels of ionizing radiation and radio-activity in the environment;
- (ii) reports on scientific observations and experiments relevant to the effects of ionizing radiation upon man and his environment already under way or later undertaken by national scientific bodies or by authorities of national Governments;

(b) To recommend uniform standards with respect to procedures for sample collection and instrumentation, and radiation counting procedures to be used in analyses of samples;

(c) To compile and assemble in an integrated manner the various reports, referred to in sub-paragraph (a) (i) above, on observed radiological levels;

(d) To review and collate national reports, referred to in sub-paragraph (a) (ii) above, evaluating each report to determine its usefulness for the purposes of the Committee;

(e) To make yearly progress reports and to develop by 1 July 1958, or earlier if the assembled facts warrant, a summary of the reports received on radiation levels and radiation effects on man and his environment together with the evaluations provided for in sub-

¹ U.N. General Assembly, *Official Records, Tenth Session, Supplement No. 19* (A/3116), p. 5.

paragraph (d) above and indications of research projects which might require further study;

(f) To transmit from time to time, as it deems appropriate, the documents and evaluations referred to above to the Secretary-General for publication and dissemination to States Members of the United Nations or members of the specialized agencies;

3. *Requests* the Secretary-General to provide the Committee with appropriate assistance in organizing and carrying on its work, and to provide a secretary of the Committee;

4. *Calls upon* all concerned to co-operate in making available reports and studies relating to the short-term and long-term effects of ionizing radiation upon man and his environment and radiological data collected by them;

5. *Requests* the specialized agencies to concert with the Committee concerning any work they may be doing or contemplating within the sphere of the Committee's terms of reference to assure proper co-ordination;

6. *Requests* the Secretary-General to invite the Government of Japan to nominate a scientist, with alternatives and consultants as appropriate, to be its representative on the Committee;

7. *Decides* to transmit to the Committee the records of the proceedings of the General Assembly on the present item.

G. CONSIDERATION OF METHODS OF DISARMAMENT INSPECTION, 1955

30. AERIAL INSPECTION OF MILITARY INSTALLATIONS: Proposal by the President of the United States at the Geneva Conference of Heads of Government, July 21, 1955¹

Disarmament is one of the most important subjects on our agenda. It is also extremely difficult. In recent years the scientists have discovered methods of making weapons many, many times more destructive of opposing armed forces—but also of homes and industries and lives—than ever known or even imagined before. These same scientific discoveries have made much more complex the problems of limitation and control and reduction of armament.

After our victory as allies in World War II, my country rapidly disarmed. Within a few years our armament was at a very low level. Then events occurred beyond our borders which caused us to realize that we had disarmed too much. For our own security and to safeguard peace we needed greater strength. Therefore we proceeded to rearm and to associate with others in a partnership for peace and for mutual security.

¹ Department of State *Bulletin*, Aug. 1, 1955, pp. 173-174.

The American people are determined to maintain and, if necessary, increase this armed strength for as long a period as is necessary to safeguard peace and to maintain our security.

But we know that a mutually dependable system for less armament on the part of all nations would be a better way to safeguard peace and to maintain our security.

It would ease the fears of war in the anxious hearts of people everywhere. It would lighten the burdens upon the backs of the people. It would make it possible for every nation, great and small, developed and less developed, to advance the standards of living of its people, to attain better food and clothing and shelter, more of education and larger enjoyment of life.

Therefore the United States Government is prepared to enter into a sound and reliable agreement making possible the reduction of armament. I have directed that an intensive and thorough study of this subject be made within our own Government. From these studies, which are continuing, a very important principle is emerging to which I referred in my opening statement on Monday.¹

ADEQUATE INSPECTION AND REPORTING ESSENTIAL

No sound and reliable agreement can be made unless it is completely covered by an inspection and reporting system adequate to support every portion of the agreement. The lessons of history teach us that disarmament agreements without adequate reciprocal inspection increase the dangers of war and do not brighten the prospects of peace.

Thus it is my view that the priority attention of our combined study of disarmament should be upon the subject of inspection and reporting.

Questions suggest themselves.

How effective an inspection system can be designed which would be mutually and reciprocally acceptable within our countries and the other nations of the world? How would such a system operate? What could it accomplish? Is certainty against surprise aggression attainable by inspection? Could violations be discovered promptly and effectively counteracted?

We have not as yet been able to discover any scientific or other inspection method which would make certain of the elimination of nuclear weapons. So far as we are aware no other nation has made such a discovery. Our study of this problem is continuing. We have not as yet been able to discover any accounting or other inspection method of being certain of the true budgetary facts of total expenditures for armament. Our study of this problem is continuing. We by no means exclude the possibility of finding useful checks in these fields.

As you can see from these statements, it is our impression that many past proposals of disarmament are more sweeping than can be insured by effective inspection.

Gentlemen, since I have been working on this memorandum to present to this conference, I have been searching my heart and mind

¹ Statement of July 18, 1955; *supra*, pp. 2009-2012.

for something that I could say here that could convince everyone of the great sincerity of the United States in approaching this problem of disarmament. I should address myself for a moment principally to the delegates from the Soviet Union, because our two great countries admittedly possess new and terrible weapons in quantities which do give rise in other parts of the world, or reciprocally, to the fears and dangers of surprise attack.

U. S. PROPOSAL

I propose, therefore, that we take a practical step, that we begin an arrangement, very quickly, as between ourselves—immediately. These steps would include:

To give to each other a complete blueprint of our military establishments, from beginning to end, from one end of our countries to the other; lay out the establishments and provide the blueprints to each other.

Next, to provide within our countries facilities for aerial photography to the other country—we to provide you the facilities within our country, ample facilities for aerial reconnaissance, where you can make all the pictures you choose and take them to your own country to study; you to provide exactly the same facilities for us and we to make these examinations—and by this step to convince the world that we are providing as between ourselves against the possibility of great surprise attack, thus lessening danger and relaxing tension. Likewise we will make more easily attainable a comprehensive and effective system of inspection and disarmament, because what I propose, I assure you, would be but a beginning.

Now from my statements I believe you will anticipate my suggestion. It is that we instruct our representatives in the Subcommittee on Disarmament in discharge of their mandate from the United Nations to give priority effort to the study of inspection and reporting. Such a study could well include a step-by-step testing of inspection and reporting methods.

The United States is ready to proceed in the study and testing of a reliable system of inspections and reporting and, when that system is proved, then to reduce armaments with all others to the extent that the system will provide assured results. The successful working out of such a system would do much to develop the mutual confidence which will open wide the avenues of progress for all our peoples.

The quest for peace is the statesman's most exacting duty. Security of the nation entrusted to his care is his greatest responsibility. Practical progress to lasting peace is his fondest hope. Yet in pursuit of his hope he must not betray the trust placed in him as guardian of the people's security. A sound peace—with security, justice, well-being, and freedom for the people of the world—*can* be achieved, but only by patiently and thoughtfully following a hard and sure and tested road.

31. SYSTEM OF INSPECTION: Letter From the President of the United States to the Chairman of the Council of Ministers of the Soviet Union, October 11, 1955¹

DEAR MR. CHAIRMAN: I wish to thank you for your letter of September 19, 1955² about my Geneva proposal of July 21³ that we exchange information about military establishments and permit reciprocal aerial inspection over our two countries.

You raise a good many questions, and I shall not be able to reply to them until the doctors let me do more than at present. In any event, a full reply calls for preliminary work by my advisers and this is actively under way.

Let me now say, however, that I am encouraged that you are giving such full consideration to my Geneva proposal. I hope that we can agree on it, not as a cure-all, but, as I said at Geneva, to show a spirit of non-aggressiveness on both sides and so to create a fresh atmosphere which would dispel much of the present fear and suspicion. This, of itself, would be worthwhile. It would, I believe, make it more possible to make progress in terms of comprehensive plans for inspection, controls and reductions of armament, which will satisfy the high hopes of our peoples, and indeed of all the world.

I have not forgotten your proposal having to do with stationing inspection teams at key points in our countries,⁴ and if you feel this would help to create the better spirit I refer to, we could accept that too.

32. FURTHER STUDY OF THE PROBLEM OF DISARMAMENT: Proposal Submitted by the Governments of the United States, the United Kingdom, and France at the Geneva Meeting of Foreign Ministers, November 10, 1955⁵

The four Ministers of Foreign Affairs

1. Note that their representatives on the subcommittee of the United Nations Disarmament Commission, in the pursuit of their efforts to establish a satisfactory system of disarmament, have followed the directive given by the four Heads of Government at Geneva on July 27, 1955;⁶

2. Take note of the work the subcommittee has accomplished in the spirit of the conference of the Heads of Government during its meetings in New York from August 29 to October 7, 1955, and express their appreciation to the subcommittee for its efforts;

¹ Department of State *Bulletin*, Oct. 24, 1955, pp. 643-644.

² *Ibid.*, pp. 644-647.

³ *Supra.*

⁴ See the Soviet proposal of May 10, 1955; Department of State *Bulletin*, May 30, 1955, pp. 904-905.

⁵ *Ibid.*, Nov. 21, 1955, pp. 831-832; *The Geneva Meeting of Foreign Ministers, October 27-November 16, 1955* (Department of State publication 6156; 1955), pp. 199-201. British Foreign Secretary Macmillan submitted the proposal on behalf of the United States, the United Kingdom, and France.

⁶ *Supra*, pp. 2015-2016.

3. Express their agreement on the following:

(a) The renunciation of the use of nuclear weapons and all other weapons in any manner inconsistent with the Charter of the United Nations,

(b) The need to arrive at limitations and reductions of armaments and of armed forces,

(c) The need to devote to the peaceful economic development of nations, for raising their well being, as well as for assistance to less developed countries, the material resources that would be released by agreements in the disarmament field,

(d) The fact that an effective system of inspection and control is the keystone of any disarmament program, and, consequently, the need to establish an organ responsible for the inspection and control of agreed measures of disarmament under effective safeguards,

(e) The fact that there are possibilities beyond the reach of international control for evading this control and for organizing the clandestine manufacture of atomic and hydrogen weapons even if there is a formal agreement on international control,

(f) The need for continued scientific search by each state, with appropriate consultation between governments, for methods which might be derived from evolving scientific knowledge that would make possible a thoroughly effective inspection and control system of nuclear weapons material as part of a disarmament program covering all kinds of armaments;

4. Declare their intent to continue to seek agreements on a comprehensive program for disarmament which will promote international peace and security with the least diversion for armament of the world's human and economic resources;

5. Recognize that inspection, control, limitation and reduction of armaments can best be achieved in an atmosphere which is free of fear and suspicion;

6. Propose accordingly that, as a contribution to such an atmosphere and as a prelude to a general disarmament programme, the States concerned:

(a) Should agree promptly to put into early operation, in order to help prevent a surprise attack: (i) A plan for exchange of military blueprints and aerial inspection on the basis of the proposal of the President of the United States of July 21, 1955,¹ and (ii) A plan for establishing control posts at key points, as suggested in the proposals of the Chairman of the Council of Ministers of the U. S. S. R. of July 21, 1955,²

(b) Should also agree: (i) To arrange for the exchange and publication of information regarding military expenditures and budgets, as suggested in the proposals made by the Prime Minister of France on July 22, 1955,³ and (ii) To study how best to gain practical ex-

¹ *Supra*, doc. 30.

² *The Geneva Conference of Heads of Government*, pp. 55-56.

³ See the French memorandum of July 21, 1955; *ibid.*, pp. 60-62.

perience regarding the problems of inspection and control, as suggested by the Prime Minister of the United Kingdom on July 21, 1955.¹

7. Direct their representatives on the United Nations Disarmament Commission to request that its subcommittee be reconvened at an early date and continue to seek an acceptable solution to the problem of disarmament.

33. RECIPROCAL INSPECTION AND SUPERVISION: Statement by the Secretary of State at the Geneva Meeting of Foreign Ministers, November 11, 1955²

I shall speak first with reference to the statements of the Soviet delegation³ regarding President Eisenhower's proposal for an exchange of military blueprints and reciprocal aerial reconnaissance.⁴

The Soviet delegation says that "no doubt President Eisenhower was guided by the best of intentions."⁵ But the Soviet delegation concludes that, whereas President Eisenhower thought and said that his proposal would lessen danger and relax tension, the Soviet Union has come to the conclusion that it would work in exactly the opposite way and would increase danger and tension.

In essence, the Soviet Union says that, although President Eisenhower has good intentions, he has bad judgment regarding these matters of war and peace. With this conclusion we cannot agree, and we believe that most of the world will also not agree. It is not easy to disparage the judgment of one who won worldwide renown as the military leader of the great coalition which won the victory in the West for freedom.

When President Eisenhower made his proposal to Chairman Bulganin, it was greeted with a wave of acclaim throughout the whole world. The people everywhere felt instinctively that his proposal, if accepted, would, for all practical purposes, mean an ending of the danger of war between our two countries.

I believe that the instinct of the people of the world was right. I do not think that they will be convinced to the contrary by the arguments which Mr. Molotov yesterday put forward. I shall take up these arguments one by one and comment on them.

1. It is said that the link between the Eisenhower proposal and disarmament is not clear. But, in fact, the proposal was made as a prelude to a program for a mutually dependable system for less armament.

¹ *The Geneva Conference of Heads of Government*, p. 59.

² Department of State *Bulletin*, Nov. 28, 1955, pp. 872-875; see also *ibid.*, pp. 875-876.

³ See Mr. Molotov's statement of Nov. 10, 1955; *The Geneva Meeting of Foreign Ministers, October 27-November 16, 1955* (Department of State publication 6156; 1955), pp. 177 ff.

⁴ Proposal of July 21, 1955; *supra*, doc. 30.

⁵ *The Geneva Meeting of Foreign Ministers*, p. 181.

2. The Soviet delegation points out that the Eisenhower proposal refers solely to the territory of the Soviet Union and of the United States and would not cover the forces of these two countries elsewhere, or the forces of our Allies.

It is quite true that both the Soviet Union and the United States have substantial military forces beyond their sovereign border. Certainly, the Government of the Soviet Union will not deny that it maintains substantial forces in East Germany, Poland, Hungary, Rumania, and other places and locations. However, the most important forces of both the Soviet Union and the United States are located within their sovereign borders.

The overwhelming portion of the forces that would be inevitably involved in an attack are located in both instances within the sovereign borders. This, then, is the place to begin. It is the place where a beginning can be made promptly because it would not require the sovereign decision of many nations or raise the problems involved in negotiating agreements with some 40 to 50 other countries.

The Governments of France and the United Kingdom have already associated themselves with the Eisenhower proposal. Furthermore, the Eisenhower proposal is accepted by the Soviet Union, the United States would be prepared to proceed promptly, so far as it is concerned, to negotiate both with other sovereign states involved and with the Soviet Union for the appropriate extension on a reciprocal, equitable basis of the Eisenhower proposal and the Bulganin control posts to overseas bases, and to the forces of other countries.

Of course, President Eisenhower realized that what he proposed here last July was only a beginning. I recall his exact words. He said, "what I propose, I assure you, would be but a beginning."¹

But it is the beginning, the initial breakthrough, that is often decisive. As President Eisenhower emphasized, the spirit of peace could more surely reign and further disarmament more surely be achieved if mutual understanding and reciprocal openness existed as between the two countries which have the greatest stockpiles of atomic weapons.

It is that moral aspect of President Eisenhower's proposal which the Soviet Union seems entirely to have missed.

3. In the third place, objection is made to what is called "enormous expenditures" which would be required to carry out aerial photography.

It is quite true that there would be considerable expense and that planes and technical facilities might have to be diverted from purposes of war to purposes of peace. The United States, I may say, is prepared to do that. I cannot believe that any country would really refuse to embark on a great project for peace because it required a diversion of resources from war.

4. It is further argued that President Eisenhower's proposal does not provide for "the setting up of control posts at ports, railway junctions," and so forth. I am surprised to hear this argument

¹ Statement of July 21, 1955; *supra*, doc. 30.

made after Chairman Bulganin has received President Eisenhower's letter of October 11,¹ in which President Eisenhower said:

I have not forgotten your proposal having to do with stationing inspection teams at key points in our countries, and if you feel this would help to create the better spirit I refer to, we could accept that too.

5. Finally, it is argued that the Eisenhower plan would increase the risk of war because it would give countries information about the military installations of each other and thus enable an aggressor to make a more effective surprise attack.

I know that the Soviet Union has ample information about the United States and about our military and industrial dispositions. And the United States is not totally ignorant of the Soviet Union. Both of us, I surmise, know enough to attack. What is lacking is the deterrent to attack which would come if preparations for attack can be detected so that the aggressor does not have the benefit of surprise.

That is the way in which the Eisenhower proposal would work powerfully for peace.

SOVIET POSITION ON AERIAL PHOTOGRAPHY

We do not ignore the fact that the Soviet Union, although rejecting President Eisenhower's proposal, as he made it, indicates that it would accept a concept of aerial photography as one of the forms of control to be considered, as the Soviet Union puts it, "at the concluding stage of the implementation of measures to reduce armaments and prohibit atomic weapons."²

We accept this statement of the Soviet Union as a welcome advance over prior Soviet positions. We are, nevertheless, grievously disappointed that the Soviet Union now rejects President Eisenhower's proposal as a beginning step to lessen tension between our countries and open the path to further steps for inspection and control, and reduction of armament based thereon.

Perhaps, however, the Soviet delegation's statement of yesterday does not represent the last word of the Soviet Union.

I recall the initial negative reaction of the Soviet Union toward President Eisenhower's atoms-for-peace proposal made in December 1953 before the United Nations. I also remember that by July 1955 the Soviet Union had come to accept in principle that proposal.

I still hope that there will be a similar evolution of Soviet thinking with reference to President Eisenhower's proposal for exchanges of blueprints and reciprocal aerial photography, although I hope that the time lapse will be shorter because time presses.

SOVIETS' ATOMIC PROPOSALS

I turn now to the proposal introduced yesterday by the Soviet delegation on this topic of disarmament,³ a proposal which in the

¹ *Supra*, doc. 31.

² *The Geneva Meeting of Foreign Ministers*, p. 183.

³ *Ibid.*, pp. 184-186.

main is a duplication of prior proposals made on various occasions. I deal with this proposal myself only in so far as it deals with atomic matters. There are four items with reference to atomic matters.

One is that "as one of the first measures for the execution of the program for the reduction of armaments and the prohibition of atomic weapons, states processing atomic and hydrogen weapons pledge themselves to discontinue tests of these weapons."

Let me say that, if agreement can be reached to eliminate or limit nuclear weapons under proper safeguards, the United States would be prepared to agree to corresponding restrictions on the testing of such weapons.

Then there are two rather similar items, one of which suggests that the four powers would pledge themselves "not to be the first to use atomic and hydrogen weapons," and the other of which suggests that they should "pledge themselves not to use nuclear weapons."

These suggestions are subject to the grave defect that they contemplate only promises.

It is basic in the United States policy not to allow its security to be dependent upon promises and agreements which may prove illusory. We had this week a grave disillusionment when we sought fulfillment of the Soviet agreement that Germany should be reunified by free elections.

It can hardly be expected that the United States would depend upon pledges which cannot be relied upon and for the performance of which no dependable controls are provided.

We further point out that if a war begins it will be because some nation has violated the solemn pledge contained in the charter of the United Nations, and found in many other international agreements, to refrain in their international relations from the threat or use of force in any manner inconsistent with the charter. If a nation breaks that pledge, how can we assume that it will live up to its pledge not to use atomic weapons, or not to be the first to use them? The United States has agreed not to use force against the Soviet Union in violation of the charter of the United Nations. But if the Soviet Union does not believe that we shall live by that pledge, why does it want more pledges? And vice versa?

NEED FOR "ATMOSPHERE OF TRUST"

With respect to the proposal that all atomic weapons shall be eliminated, I call attention to the powerful statement made by the Soviet Union in its May 10 proposals,¹ to the effect that there can be no assurance of the elimination of atomic weapons. I should like to read from that statement:

There are possibilities beyond the reach of international control for evading this control and for organizing the clandestine manufacture of atomic and hydrogen weapons, even if there is a formal agreement on international control. In such a situation the security of the states signatory to the international convention cannot be guaranteed, since the possibility would be open to a potential

¹ For the full text of the Soviet proposals, see Department of State *Bulletin*, May 30, 1955, pp. 900-905.

aggressor to accumulate stocks of atomic and hydrogen weapons for a surprise atomic attack on peace-loving states.

Until an atmosphere of trust has been created in relations between states, any agreement on the institution of international control can only serve to lull the vigilance of the peoples. It will create a false sense of security, while in reality there will be a danger of the production of atomic and hydrogen weapons and hence the threat of surprise attack and the unleashing of an atomic war with all its appalling consequences for the people.

It is the danger so graphically portrayed by the Soviet Union that creates the problem with which we are all wrestling. It will, we assume, come again before the United Nations disarmament subcommittee. We here are obviously unable to solve that problem, nor are we prepared to anticipate what will be the conclusions of the scientific experts who are dealing with the matter.

It will be recalled that in the proposal which the three Western powers submitted yesterday¹ we called for "continued scientific search by each state, with appropriate consultation between governments, for methods which might be derived from evolving scientific knowledge that would make possible a thoroughly effective inspection and control system of nuclear weapons material as part of a disarmament program covering all kinds of armaments."

It cannot reasonably be expected that we here shall agree to an elimination of nuclear weapons in the face of the difficulties and dangers to which the Soviet Union has itself directed our attention and which create a situation such that—in the words of the Soviet Union—we cannot be assured "until an atmosphere of trust has been created in relations between states." We can only regret that at this conference the position of the Soviet Union has brought no progress, but retrogression, as regards "an atmosphere of trust." It is more than ever inevitable that the United States should adhere closely to the position which President Eisenhower set forth in his address of July 25, 1955:

In the matter of disarmament, the American Government believes that an effective disarmament system can be reached only if at its base there is an effective reciprocal inspection and overall supervision system, one in which we can have confidence and each side can know that the other side is carrying out its commitments.²

I have given the reasons why the United States cannot entertain disarmament proposals from the Soviet Union which are predicated upon mutual trust and confidence, which does not now exist. We urge that the Soviet Union realistically accept that fact and that through the United Nations disarmament subcommittee we develop as rapidly and as fully as possible an effective reciprocal inspection and overall supervision system. Then we would, indeed, have a basis for the reduction of armaments which we all want and which would enable the resources of the world more fully to be dedicated to the welfare of mankind.

¹ *Supra*.

² For the full text of this address, see *supra*, pp. 111-114.

34. PROPOSAL FOR CONCLUSION OF AN INTERNATIONAL CONVENTION (TREATY) ON THE REDUCTION OF ARMAMENTS AND THE PROHIBITION OF ATOMIC, HYDROGEN AND OTHER WEAPONS OF MASS DESTRUCTION: Resolution 914 (X) of the United Nations General Assembly, December 16, 1955¹

The General Assembly,

Recalling its resolution 808 (IX) of 4 November 1954,² which established the conclusion that a further effort should be made to reach agreement on comprehensive and co-ordinated proposals to be embodied in a draft international disarmament convention providing for:

(a) The regulation, limitation and major reduction of all armed forces and all conventional armaments,

(b) The total prohibition of the use and manufacture of nuclear weapons and weapons of mass destruction of every type, together with the conversion of existing stocks of nuclear weapons for peaceful purposes,

(c) The establishment of effective international control, through a control organ with rights, powers and functions adequate to guarantee the effective observance of the agreed reductions of all armaments and armed forces and the prohibition of nuclear and other weapons of mass destruction, and to ensure the use of atomic energy for peaceful purposes only,

The whole programme to be such that no State would have cause to fear that its security was endangered,

Expressing the hope that efforts to relax international tensions, to promote mutual confidence and to develop co-operation among States, such as the Geneva Conference of the Heads of Government of the four Powers, the Bandung Conference of Asian and African countries and the United Nations tenth anniversary commemorative meeting at San Francisco, will prove effective in promoting world peace,

Desirous of contributing to the lowering of international tensions, the strengthening of confidence between States, the removal of the threat of war and the reduction of the burden of armaments,

Convinced therefore of the need to continue to seek agreement on a comprehensive programme for disarmament which will promote international peace and security with the least diversion for armaments of the world's human and economic resources,

Welcoming the progress which has been made towards agreement on objectives during the meetings in 1955 of the Sub-Committee of the Disarmament Commission,

Noting that agreement has not yet been reached on the rights, powers and functions of a control system, which is the keystone of

¹ U.N. General Assembly, *Official Records, Tenth Session, Supplement No. 19* (A/3116), pp. 5-6.

² *Ibid.*, *Ninth Session, Supplement No. 21* (A/2890), pp. 3-4.

any disarmament agreement, nor on other essential matters set out in General Assembly resolution 808 (IX),

Noting also that special technical difficulties have arisen in regard to the detection and control of nuclear weapons material,

Recognizing further that inspection and control of disarmament can best be achieved in an atmosphere which is free of fear and suspicion,

1. *Urges* that the States concerned and particularly those on the Sub-Committee of the Disarmament Commission:

(a) Should continue their endeavours to reach agreement on a comprehensive disarmament plan in accordance with the goals set out in General Assembly resolution 808 (IX);

(b) Should, as initial steps, give priority to early agreement on and implementation of:

(i) Such confidence-building measures as the plan of Mr. Eisenhower, President of the United States of America, for exchanging military blueprints and mutual aerial inspection,¹ and the plan of Mr. Bulganin, Prime Minister of the Union of Soviet Socialist Republics, for establishing control posts at strategic centres;²

(ii) All such measures of adequately safeguarded disarmament as are now feasible;

2. *Suggests* that account should also be taken of the proposals of the Prime Minister of France for exchanging and publishing information regarding military expenditures and budgets,³ of the Prime Minister of the United Kingdom of Great Britain and Northern Ireland for seeking practical experience in the problems of inspection and control,⁴ and of the Government of India regarding the suspension of experimental explosions of nuclear weapons and an "armaments truce";

3. *Calls upon* the States concerned, and especially those on the Sub-Committee of the Disarmament Commission, to study the proposal of the Prime Minister of France for the allocation of funds resulting from disarmament for improving the standards of living throughout the world and, in particular, in the less-developed countries;⁵

4. *Recommends further* that scientific search should be continued by each State, with appropriate consultation between Governments, for methods that would make possible thoroughly effective inspection and control of nuclear weapons material, having as its aim to facilitate the solution of the problem of comprehensive disarmament;

5. *Suggests* that the Disarmament Commission reconvene its Sub-

¹ Proposal of July 21, 1955; *supra*, doc. 30.

² See Soviet proposal of July 21, 1955; *The Geneva Conference of Heads of Government, July 18-23, 1955* (Department of State publication 6046; 1955), pp. 55-56.

³ Proposal of July 21, 1955; *ibid.*, pp. 60-62.

⁴ *Ibid.*, p. 59.

⁵ *Ibid.*, pp. 60-62.

committee and that both pursue their efforts to attain the above objectives;

6. *Decides* to transmit to the Disarmament Commission, for its information, the records of the meetings of the First Committee at which the disarmament problem was discussed during the tenth session of the General Assembly, and requests the Disarmament Commission and the Sub-Committee to give careful and early consideration to the views expressed in those documents.

. SHARING OF UNITED STATES ATOMIC ENERGY INFORMATION, 1954-1955

. REVISION OF THE ATOMIC ENERGY ACT OF 1946: Message From the President to the Congress, February 17, 1954¹

to the Congress of the United States:

For the purpose of strengthening the defense and economy of the United States and of the free world, I recommend that the Congress approve a number of amendments to the Atomic Energy Act of 1946.² These amendments would accomplish this purpose, with proper security safeguards, through the following means:

First, widened cooperation with our allies in certain atomic energy matters;

Second, improved procedures for the control and dissemination of atomic energy information; and,

Third, encouragement of broadened participation in the development of peacetime uses of atomic energy in the United States.

NUCLEAR PROGRESS

In 1946, when the Atomic Energy Act was written, the world was at the threshold of the atomic era. A new and elemental source of tremendous energy had been unlocked by the United States the year before. To harness its power in peaceful and productive service was then our hope and our goal, but its awesome destructiveness overshadowed its potential for good. In the minds of most people this new energy was equated with the atomic bomb, and the bomb belled the erasure of cities and the mass death of men, women, and children.

Moreover, this Nation's monopoly of atomic weapons was of crucial importance in international relations. The common defense and world peace required that this monopoly be protected and prolonged by the most stringent security safeguards.

¹ H. Doc. No. 328, 83d Cong., 2d sess.
² Act of Aug. 1, 1946; 60 Stat. 755.

In this atmosphere the Atomic Energy Act was written. Well suited to conditions then existing, the act in the main is still adequate to the Nation's needs.

Since 1946, however, there has been great progress in nuclear science and technology. Generations of normal scientific development have been compressed into less than a decade. Each successive year has seen technological advances in atomic energy exceeding even progressive estimates. The anticipations of 1946, when Government policy was established and the Atomic Energy Act was written, have been far outdistanced.

One popular assumption of 1946—that the United States could maintain its monopoly in atomic weapons for an appreciable time—was quickly proved invalid. That monopoly disappeared in 1949, only 3 years after the Atomic Energy Act was enacted. But to counterbalance that debit on the atomic ledger there have been mighty increases in our assets.

A wide variety of atomic weapons—considered in 1946 to be mere possibilities of a distant future—have today achieved conventional status in the arsenals of our Armed Forces. The thermonuclear weapon, nonexistent 8 years ago, today dwarfs in destructive power all atomic weapons. The practicability of constructing a submarine with atomic propulsion was questionable in 1946; 3 weeks ago the launching of the U. S. S. *Nautilus* made it certain that the use of atomic energy for ship propulsion will ultimately become widespread. In 1946, too, economic industrial power from atomic energy sources seemed very remote; today, it is clearly in sight—largely a matter of further research and development, and the establishment of conditions in which the spirit of enterprise can flourish.

Obviously, such developments as these within so short a period should have had a profound influence on the Nation's atomic energy policy. But in a number of respects our atomic energy law is still designed to fit the conditions of 1946.

Many statutory restrictions, based on such actual facts of 1946 as the American monopoly of atomic weapons and limited application of atomic energy in civilian and military fields, are inconsistent with the nuclear realities of 1954. Furthermore, these restrictions impede the proper exploitation of nuclear energy for the benefit of the American people and of our friends throughout the free world.

An objective assessment of these varied factors leads clearly to these conclusions: In respect to defense considerations, our atomic effectiveness will be increased if certain limited information on the use of atomic weapons can be imparted more readily to nations allied with us in common defense. In respect to peaceful applications of atomic energy, these can be developed more rapidly and their benefits more widely realized through broadened cooperation with friendly nations and through greater participation by American industry. By enhancing our military effectiveness, we strengthen our efforts to deter aggression; by enlarging opportunities for peacetime development, we accelerate our own progress and strengthen the free world.

Section 1 of the Atomic Energy Act of 1946 wisely recognizes the

need for future revisions of the law. In its spirit, and in consideration of matters of the utmost importance to the Nation's defense and welfare, I recommend that the Congress approve a number of amendments to the Atomic Energy Act.

COOPERATION WITH OTHER NATIONS

In this atomic era the growth of international cooperation for the defense of the free world is the most heartening development on the world political scene. The United States is allied with many friends in measures to deter aggression and, where necessary, to defeat the aggressor. The agreements binding ourselves and our friends in common defense constitute a warning to any potential aggressor that his punishment will be swift and his defeat inevitable. These powerful influences for peace must be made as strong and convincing as possible.

Most of our friends among the nations have had little opportunity to inform themselves on the employment of atomic weapons. Under present law we cannot give them tactical information essential to their effective participation with us in combined military operations and planning, and to their own defense against atomic attack.

Our own security will increase as our allies gain information concerning the use of and the defense against atomic weapons. Some of our allies, in fact, are now producing fissionable materials or weapons, supporting effective atomic energy research and developing peacetime uses for atomic power. But all of them should become better informed in the problems of atomic warfare and, therefore, better prepared to meet the contingency of such warfare. In order for the free world to be an effective defense unit, it must be geared to the atomic facts of this era.

I urge, therefore, that authority be provided to exchange with nations participating in defensive arrangements with the United States such tactical information as is essential to the development of defense plans and to the training of personnel for atomic warfare. Amendments to the definition of "restricted data" recommended later in this message will also contribute to needed administrative flexibility in the exchange of information with such nations concerning the use of atomic weapons.

To meet a specific defense need existing in 1951, the Congress approved a carefully limited procedure for the communication of information on the processing of atomic raw materials, reactor development, production of fissionable materials, and related research and development.¹ These limitations should now be modified so that the authority to communicate information, adjusted to present conditions, may be better used to our national advantage.

In the development of peaceful uses for atomic energy, additional amendments are required for effective United States cooperation with friendly nations. Such cooperation requires the exchange of certain "restricted data" on the industrial applications of atomic energy and also the release of fissionable materials in amounts adequate for indus-

¹ Act of Oct. 30, 1951; 65 Stat. 692.

trial and research use. I therefore recommend that the Atomic Energy Act be amended to authorize such cooperation. Such amendments should prescribe that before the conclusion of any arrangements for the transfer of fissionable material to a foreign nation, assurances must be provided against its use by the recipient nation for military purposes.

Sharing certain information with other nations involves risks that must be weighed, in each instance, against the net advantages to the United States. In each case we must be guided by such considerations as: The sensitivity and importance of the data, the specific uses to which the information will be put, the security standards of the cooperating nation, its role in the common defense of the free world, and the contributions it has made and can make to the mutual security effort. Such considerations apply to the exchange or communication of information on general-defense planning and the employment of conventional weapons as well as to the information that could be exchanged pursuant to these recommendations.

These recommendations are apart from my proposal to seek a new basis for international cooperation in the field of atomic energy as outlined in my address before the General Assembly of the United Nations last December.¹ Consideration of additional legislation which may be needed to implement that proposal should await the development of areas of agreement as a result of our discussions with other nations.

In a related area, present law prevents United States citizens or corporations from engaging directly or indirectly in the production of fissionable material outside the United States, except upon determination by the President that the proposed activity will not adversely affect the common defense and security. Matters that have arisen under this provision have been ordinary business or commercial activities which nevertheless fall within the broad statutory prohibition because they might contribute in some degree, however minor, to foreign atomic-energy programs. The President should be enabled to authorize the Atomic Energy Commission to make future determinations of this nature. This amendment is related also to the above amendment concerning the exchange of information with other countries, as arrangements for authorized exchanges of information with friendly foreign governments may involve participation by American citizens or firms in work in foreign countries. The proposed amendment would permit the Atomic Energy Commission also to authorize such participation.

All of these proposed amendments should make it clear that the authority granted must be exercised only in accordance with conditions prescribed by the President to protect the common defense and security.

PROTECTION OF ATOMIC-ENERGY INFORMATION

A special category of "restricted data," so defined as to include virtually all atomic-energy data of security significance, is now established by law. "Restricted data" are protected in the law by

¹ *Supra*, pp. 2798-2805.

special espionage provisions, provisions relating to the control, dissemination, and declassification of such data, and by requirements for personnel security clearances.

Personnel security.—The provisions of the act relating to security clearances of personnel need improvement in several respects. The act does not recognize degrees of sensitivity of "restricted data." The same clearance requirements apply to any type of "restricted data," whether it be access by the unskilled construction laborer to "restricted data" of only marginal security significance, or access by a scientist to the heart of atomic weapons information. The Atomic Energy Commission lacks sufficient latitude under present law to determine the extent of personnel investigation needed for adequate security. Many costly background investigations required by present law are unnecessary. The Atomic Energy Commission should be permitted to relate the scope of investigation required under the act to the significance of the access to "restricted data" which will be permitted.

This amendment is especially pertinent to the proposed broadening of private participation in the development of atomic power. While such private participants will require access to "restricted data" on reactor technology, full investigations of all their employees who will have such access are not warranted because much of the data involved will not have significant security importance. Moreover, such investigations would impede and discourage the desired participation and would be unnecessarily costly both to Government and to industry. Where access to more sensitive "restricted data" is involved, the Commission must, of course, require full investigations.

Another security clearance problem relates to personnel of Department of Defense agencies and to the personnel of contractors with those agencies. The Atomic Energy Commission may now disclose "restricted data" to such of these personnel as have security clearances from the Department of Defense. The "restricted data" so disclosed by the Commission are thereafter protected in accordance with Department of Defense security regulations. And yet, contractors of the Commission are precluded by law from granting the same personnel access to the same "restricted data" until they have had AEC clearances, based on investigations by the Federal Bureau of Investigation or the Civil Service Commission.

As applications of atomic energy become increasingly widespread within the armed services, the necessity increases for communication of "restricted data" between AEC contractors and participants in related Department of Defense programs. The present fact that personnel engaged in military programs who have military clearances must be denied access to "restricted data" by AEC contractor personnel impedes cooperation between the Department of Defense and the Atomic Energy Commission in areas of mutual interest and causes unnecessary expense in time and money. I, therefore, recommend that the Atomic Energy Commission be enabled to authorize its contractors and licensees to afford access to "restricted data" to personnel engaged in Department of Defense programs who need such data in

their work and who possess the proper military security clearances.

The definition of "restricted data".—(1) A large body of "restricted data" under present law relates primarily to military utilization of atomic weapons. The responsibility for the control of much of this weapons information logically should rest with the Department of Defense rather than with the Commission. Many administrative difficulties that are produced by a dual system of security would be eliminated by the removal of this weapons information from the "restricted data" category and its subsequent protection by the Department of Defense in the same manner and under the same safeguards as other military secrets.

This method of handling weapons information is not possible under present law. "Restricted data" can be removed from the statutory "restricted data" category only by declassification, upon a determination by the Atomic Energy Commission that the publication of such data would not adversely affect the common defense and security. Declassification obviously is not the remedy. The remedy lies in reliance upon the standard security measures of the user, the Department of Defense. I recommend, therefore, that the statutory definition of "restricted data" be amended to exclude information concerning the utilization of atomic weapons, as distinguished from information on their theory, design, and manufacture.

(2) In addition to information which falls wholly within the utilization category, there is information which concerns primarily the utilization of weapons but which pertains also to their design and manufacture. In order to avoid difficulties in this marginal zone, I recommend legislation which also would authorize removal of such information from the "restricted data" category. This would be done only when the Commission and the Department of Defense jointly determine that it relates primarily to military utilization of atomic weapons and that it can be adequately safeguarded as classified defense information under the Espionage Act and other applicable law.¹

(3) Consistent with these changes, I recommend that the Department of Defense join with the Atomic Energy Commission in any declassification of "restricted data" which relate primarily to military utilization of atomic weapons and which can be published without endangering the national security. Thus, the Department of Defense will have an appropriate voice in the protection and declassification of such "restricted data" and the responsibilities of the Commission will be clarified with respect to all other "restricted data."

DOMESTIC DEVELOPMENT OF ATOMIC ENERGY

What was only a hope and a distant goal in 1946—the beneficent use of atomic energy in human service—can soon be a reality. Before our scientists and engineers lie rich possibilities in the harnessing of atomic power. The Federal Government can pioneer in its development. But, in this undertaking, the enterprise, initiative, and competitive spirit of individuals and groups within our free economy are

¹ See acts of June 15, 1917 (40 Stat. 217-219); June 25, 1948 (62 Stat. 736-738); and Oct. 31, 1951 (65 Stat. 719-720).

needed to assure the greatest efficiency and progress at the least cost to the public.

Industry's interest in this field is already evident. In collaboration with the Atomic Energy Commission a number of private corporations are now conducting studies, largely at their own expense, of the various reactor types which might be developed to produce economic power. There are indications that they would increase their efforts significantly if the way were open for private investment in such reactors. In amending the law to permit such investment, care must be taken to encourage the development of this new industry in a manner as nearly normal as possible, with careful regulation to protect the national security and the public health and safety. It is essential that this program so proceed that this new industry will develop self-reliance and self-sufficiency.

The creation of opportunities for broadened industrial participation may permit the Government to reduce its own reactor research and development after private industrial activity is well established. For the present, in addition to contributing toward the advancement of power-reactor technology, the Government will continue to speed progress in the related technology of military propulsion reactors. The present complementary efforts of industry and Government will therefore continue, and industry should be encouraged by the enactment of appropriate legislation to assume a substantially more significant role. To this end, I recommend amendments to the Atomic Energy Act which would—

1. Relax statutory restrictions against ownership or lease of fissionable material and of facilities capable of producing fissionable material.

2. Permit private manufacture, ownership, and operation of atomic reactors and related activities, subject to necessary safeguards and under licensing systems administered by the Atomic Energy Commission.

3. Authorize the Commission to establish minimum safety and security regulations to govern the use and possession of fissionable material.

4. Permit the Commission to supply licensees special materials and services needed in the initial stages of the new industry at prices estimated to compensate the Government adequately for the value of the materials and services and the expense to the Government in making them available.

5. Liberalize the patent provisions of the Atomic Energy Act, principally by expanding the area in which private patents can be obtained to include the production as well as utilization of fissionable material, while continuing for a limited period the authority to require a patent owner to license others to use an invention essential to the peacetime applications of atomic energy.

Until industrial participation in the utilization of atomic energy acquires a broader base, considerations of fairness require some

mechanism to assure that the limited number of companies which, as Government contractors now have access to the program, cannot build a patent monopoly which would exclude others desiring to enter the field. I hope that participation in the development of atomic power will have broadened sufficiently in the next 5 years to remove the need for such provisions.

In order to encourage the greatest possible progress in domestic application of atomic energy, flexibility is necessary in licensing and regulatory provisions of the legislation. Until further experience with this new industry has been gained, it would be unwise to try to anticipate by law all of the many problems that are certain to arise. Just as the basic Atomic Energy Act recognized by its own terms that it was experimental in a number of respects, so these amendments will be subject to continuing future change and refinement.

The destiny of all nations during the 20th century will turn in large measure upon the nature and the pace of atomic energy development here and abroad. The revisions to the Atomic Energy Act herein recommended will help make it possible for American atomic energy development, public and private, to play a full and effective part in leading mankind into a new era of progress and peace.

36. STABLE ISOTOPES AVAILABLE FOR FOREIGN DISTRIBUTION: Statement Issued to the Press by the United States Atomic Energy Commission, July 1, 1954¹

Stable isotopes produced in facilities of the U. S. Atomic Energy Commission will be available for foreign distribution under a program announced today by the Commission.²

Radioisotopes have been sold to foreign users by the Commission since 1947,³ but stable isotopes generally have been available only to users within the United States. About 175 stable isotopes of nearly 50 elements are produced by the AEC. Stable isotopes, like radioisotopes, are valuable tools for basic research in various scientific fields.

A total of 48 foreign countries has been authorized to receive radioisotopes produced in the United States, and approximately 2,500 foreign shipments of radioisotopes have been made. Foreign requests for stable isotopes will be forwarded to the Commission through the official representatives of foreign nations for radioisotope procurement.

¹ Atomic Energy Commission press release 547, July 1, 1954.

² Most elements have several forms, similar in chemical behavior but differing in atomic weight. These are the isotopes of the element. More than 1,000 isotopes occur naturally or have been artificially produced. Some are radioactive. These usually are called radioisotopes. Others are non-radioactive, or stable. Since the isotopes of an element are similar in chemical behavior, their separation from each other requires special processes. [Footnote in original.]

³ An enlargement of the "export program" was announced by the Atomic Energy Commission on July 15, 1951; Department of State *Bulletin*, July 30, 1951, pp. 181-182.

The terms and conditions for obtaining stable isotopes will be the same as those which now apply to foreign requests for radioisotopes. The applicant must agree to use the isotope only for the purpose stated in the application, and also must agree to report research results to the AEC. Foreign countries may obtain isotopes for scientific research, medical research, industrial isotopes for scientific research, medical research, industrial research, medical therapy and industrial utilization.

Stable isotopes will be sold at prices which will recover full costs of production. The quantity of a stable isotope approved for export will be limited to the amount generally provided to a domestic user for a similar purpose.

Although some stable isotopes have been produced since the 1930's, pre-World War II techniques for the concentration and separation of stable isotopes were impracticable for most elements, and only very minute quantities of pure separated isotopes could be obtained.

Electromagnetic separation was one of the methods used during World War II to separate the uranium-235 isotope, needed for atomic weapons, from the more common uranium-238 isotope. This method no longer is used for uranium separation. However, part of the electromagnetic separation plant at the Oak Ridge National Laboratory has been utilized for the production of stable isotopes for research, in quantities much greater than were available before. Most stable isotopes now are produced by electromagnetic separation.

Stable isotopes have various research uses. Some elements do not have radioisotopes with half-lives long enough to make their use feasible in experiments. Stable isotopes of these elements can be used in tracer experiments. Boron-10 is useful as a neutron detector. Deuterium, the stable heavy isotope of hydrogen, has been utilized in biological and chemical studies. Helium 3 is important in low-temperature studies.

37. ATOMIC ENERGY ACT OF 1954: Public Law 703 (83d Congress, 2d Session), August 30, 1954 (Excerpts)¹

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Atomic Energy Act of 1946,² as amended, is amended to read as follows:

“CHAPTER 1. DECLARATION, FINDINGS, AND PURPOSE

“SECTION 1. DECLARATION.—Atomic energy is capable of application for peaceful as well as military purposes. It is therefore declared to be the policy of the United States that—

“a. the development, use, and control of atomic energy shall be directed so as to make the maximum contribution to the

¹ 68 Stat. 919. For statement of the President on signing the act, see Department of State *Bulletin*, Sept. 13, 1954, pp. 365-366.

² Act of Aug. 1, 1946; 60 Stat. 755.

general welfare, subject at all times to the paramount objective of making the maximum contribution to the common defense and security; and

"b. the development, use, and control of atomic energy shall be directed so as to promote world peace, improve the general welfare, increase the standard of living, and strengthen free competition in private enterprise.

"SEC. 2. FINDINGS.—The Congress of the United States hereby makes the following findings concerning the development, use, and control of atomic energy:

"a. The development, utilization, and control of atomic energy for military and for all other purposes are vital to the common defense and security.

"b. In permitting the property of the United States to be used by others, such use must be regulated in the national interest and in order to provide for the common defense and security and to protect the health and safety of the public.

"c. The processing and utilization of source, byproduct, and special nuclear material affect interstate and foreign commerce and must be regulated in the national interest.

"d. The processing and utilization of source, byproduct, and special nuclear material must be regulated in the national interest and in order to provide for the common defense and security and to protect the health and safety of the public.

"e. Source and special nuclear material, production facilities, and utilization facilities are affected with the public interest, and regulation by the United States of the production and utilization of atomic energy and of the facilities used in connection therewith is necessary in the national interest to assure the common defense and security and to protect the health and safety of the public.

"f. The necessity for protection against possible interstate damage occurring from the operation of facilities for the production or utilization of source or special nuclear material places the operation of those facilities in interstate commerce for the purposes of this Act.

"g. Funds of the United States may be provided for the development and use of atomic energy under conditions which will provide for the common defense and security and promote the general welfare.

"h. It is essential to the common defense and security that title to all special nuclear material be in the United States while such special nuclear material is within the United States.

"SEC. 3. PURPOSE.—It is the purpose of this Act to effectuate the policies set forth above by providing for—

"a. a program of conducting, assisting, and fostering research and development in order to encourage maximum scientific and industrial progress;

"b. a program for the dissemination of unclassified scientific and technical information and for the control, dissemination, and declassification of Restricted Data, subject to appropriate safeguards, so as to encourage scientific and industrial progress;

"c. a program for Government control of the possession, use, and production of atomic energy and special nuclear material so directed as to make the maximum contribution to the common defense and security and the national welfare;

"d. a program to encourage widespread participation in the development and utilization of atomic energy for peaceful purposes to the maximum extent consistent with the common defense and security and with the health and safety of the public;

"e. a program of international cooperation to promote the common defense and security and to make available to cooperating nations the benefits of peaceful applications of atomic energy as widely as expanding technology and considerations of the common defense and security will permit; and

"f. a program of administration which will be consistent with the foregoing policies and programs, with international arrangements, and with agreements for cooperation, which will enable the Congress to be currently informed so as to take further legislative action as may be appropriate.

"CHAPTER 2. DEFINITIONS

SEC. 11. DEFINITIONS.—The intent of Congress in the definitions as set forth in this section should be construed from the words or phrases used in the definitions. As used in this Act:

a. The term 'agency of the United States' means the executive branch of the United States, or any Government agency, or the legislative branch of the United States, or any agency, committee, commission, office, or other establishment in the legislative branch, or the judicial branch of the United States, or any office, agency, committee, commission, or other establishment in the judicial branch.

b. The term 'agreement for cooperation' means any agreement between a nation or regional defense organization, authorized or approved by sections 54, 57, 64, 82, 103, 104, or 144, and made pursuant to section 123.

c. The term 'atomic energy' means all forms of energy released in the course of nuclear fission or nuclear transformation.

d. The term 'atomic weapon' means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

e. The term 'byproduct material' means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

f. The term 'Commission' means the Atomic Energy Commission.

g. The term 'common defense and security' means the common defense and security of the United States.

h. The term 'defense information' means any information in any category determined by any Government agency authorized to classify

information, as being information respecting, relating to, or affecting the national defense.

"i. The term 'design' means (1) specifications, plans, drawings, blueprints, and other items of like nature; (2) the information contained therein; or (3) the research and development data pertinent to the information contained therein.

"j. The term 'Government agency' means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.

"k. The term 'international arrangement' means any international agreement hereafter approved by the Congress or any treaty during the time such agreement or treaty is in full force and effect, but does not include any agreement for cooperation.

"l. The term 'Joint Committee' means the Joint Committee on Atomic Energy.

"m. The term 'operator' means any individual who manipulates the controls of a utilization or production facility.

"n. The term 'person' means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing.

"o. The term 'produce', when used in relation to special nuclear material, means (1) to manufacture, make, produce, or refine special nuclear material; (2) to separate special nuclear material from other substances in which such material may be contained; or (3) to make or to produce new special nuclear material.

"p. The term 'production facility' means (1) any equipment or device determined by rule of the Commission to be capable of the production of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (2) any important component part especially designed for such equipment or device as determined by the Commission.

"q. The term 'research and development' means (1) theoretical analysis, exploration, or experimentation; or (2) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

"r. The term 'Restricted Data' means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data de-

classified or removed from the Restricted Data category pursuant to section 142.

's. The term 'source material' means (1) uranium, thorium, or any other material which is determined by the Commission pursuant to the provisions of section 61 to be source material; or (2) ores containing one or more of the foregoing materials, in such concentration as the Commission may by regulation determine from time to time.

't. The term 'special nuclear material' means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission pursuant to the provisions of section 61 determines to be special nuclear material, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.

'u. The term 'United States', when used in a geographical sense, includes all Territories and possessions of the United States, and the continental Zone.

'v. The term 'utilization facility' means (1) any equipment or device, except an atomic weapon, determined by rule of the Commission to be capable of making use of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public, or peculiarly adapted for making use of atomic energy in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (2) any important component part especially designed for such equipment or device as determined by the Commission.

"CHAPTER 3. ORGANIZATION

SEC. 21. ATOMIC ENERGY COMMISSION.—There is hereby established the Atomic Energy Commission, which shall be composed of five members, each of whom shall be a citizen of the United States. The President shall designate one member of the Commission as Chairman thereof to serve as such during the pleasure of the President. The Chairman may from time to time designate any other member of the Commission as Acting Chairman to act in the place and stead of the Chairman during his absence. The Chairman (or the Acting Chairman in the absence of the Chairman) shall preside at all meetings of the Commission and a quorum for the transaction of business shall consist of at least three members present. Each member of the Commission, including the Chairman, shall have equal responsibility and authority in all decisions and actions of the Commission and shall have one vote. Action of the Commission shall be determined by a majority vote of the members present. The Chairman (or Acting Chairman in the absence of the Chairman) shall be the official spokesman of the Commission in its relations with the Congress, Government agencies, persons, or the public, and, on behalf of the Commission, shall see to the faithful execution of the policies and decisions of the Commission, and shall report thereon to the Commission from time to time or as the Commission may direct. The Commission shall have an official seal which shall be judicially noticed.

[Sections 22-28 deal with Members, Office, General Manager, Divisions and Offices, General Advisory Committee, Military Liaison Committee, and Appointment of Army, Navy, or Air Force Officers.]

"CHAPTER 4. RESEARCH

"SEC. 31. RESEARCH ASSISTANCE.—

"a. The Commission is directed to exercise its powers in such manner as to insure the continued conduct of research and development activities in the fields specified below, by private or public institutions or persons, and to assist in the acquisition of an ever-expanding fund of theoretical and practical knowledge in such fields. To this end the Commission is authorized and directed to make arrangements (including contracts, agreements, and loans) for the conduct of research and development activities relating to—

- "(1) nuclear processes;
- "(2) the theory and production of atomic energy, including processes, materials, and devices related to such production;
- "(3) utilization of special nuclear material and radioactive material for medical, biological, agricultural, health, or military purposes;
- "(4) utilization of special nuclear material, atomic energy, and radioactive material and processes entailed in the utilization or production of atomic energy or such material for all other purposes, including industrial uses, the generation of usable energy, and the demonstration of the practical value of utilization or production facilities for industrial or commercial purposes; and
- "(5) the protection of health and the promotion of safety during research and production activities.

"b. The Commission may (1) make arrangements pursuant to this section, without regard to the provisions of section 3709 of the Revised Statutes,¹ as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable; (2) make partial and advance payments under such arrangements; and (3) make available for use in connection therewith such of its equipment and facilities as it may deem desirable.

"c. The arrangements made pursuant to this section shall contain such provisions (1) to protect health, (2) to minimize danger to life or property, and (3) to require the reporting and to permit the inspection of work performed thereunder, as the Commission may determine. No such arrangement shall contain any provisions or conditions which prevent the dissemination of scientific or technical information, except to the extent such dissemination is prohibited by law.

"SEC. 32. RESEARCH BY THE COMMISSION.—The Commission is authorized and directed to conduct, through its own facilities, activities and studies of the types specified in section 31.

"SEC. 33. RESEARCH FOR OTHERS.—Where the Commission finds private facilities or laboratories are inadequate to the purpose, it is

¹ 41 U.S.C. § 5.

authorized to conduct for other persons, through its own facilities, such of those activities and studies of the types specified in section 31 as it deems appropriate to the development of atomic energy. The Commission is authorized to determine and make such charges as in its discretion may be desirable for the conduct of such activities and studies.

"CHAPTER 5. PRODUCTION OF SPECIAL NUCLEAR MATERIAL

"SEC. 41. OWNERSHIP AND OPERATION OF PRODUCTION FACILITIES.—

"a. OWNERSHIP OF PRODUCTION FACILITIES.—The Commission, as agent of and on behalf of the United States, shall be the exclusive owner of all production facilities other than facilities which (1) are useful in the conduct of research and development activities in the fields specified in section 31, and do not, in the opinion of the Commission, have a potential production rate adequate to enable the user of such facilities to produce within a reasonable period of time a sufficient quantity of special nuclear material to produce an atomic weapon; or (2) are licensed by the Commission pursuant to section 103 or 104.

[Subsections b. and c. deal with operation of the commission's production facilities and operation of other production facilities. Sections 42 and 43 deal with Irradiation of Materials and Acquisition of Production Facilities.]

"SEC. 44. DISPOSITION OF ENERGY.—If energy is produced at production facilities of the Commission or is produced in experimental utilization facilities of the Commission, such energy may be used by the Commission, or transferred to other Government agencies, or sold to publicly, cooperatively, or privately owned utilities or users at reasonable and nondiscriminatory prices. If the energy produced is electric energy, the price shall be subject to regulation by the appropriate agency having jurisdiction. In contracting for the disposal of such energy, the Commission shall give preference and priority to public bodies and cooperatives or to privately owned utilities providing electric utility services to high cost areas not being served by public bodies or cooperatives. Nothing in this Act shall be construed to authorize the Commission to engage in the sale or distribution of energy for commercial use except such energy as may be produced by the Commission incident to the operation of research and development facilities of the Commission, or of production facilities of the Commission.

"CHAPTER 6. SPECIAL NUCLEAR MATERIAL

"SEC. 51. SPECIAL NUCLEAR MATERIAL.—The Commission may determine from time to time that other material is special nuclear material in addition to that specified in the definition as special nuclear material. Before making any such determination, the Com-

mission must find that such material is capable of releasing substantial quantities of atomic energy and must find that the determination that such material is special nuclear material is in the interest of the common defense and security, and the President must have expressly assented in writing to the determination. The Commission's determination, together with the assent of the President, shall be submitted to the Joint Committee and a period of thirty days shall elapse while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of an adjournment for more than three days) before the determination of the Commission may become effective: *Provided, however, That the Joint Committee, after having received such determination, may by resolution in writing, waive the conditions of or all or any portion of such thirty-day period.*

"SEC. 52. GOVERNMENT OWNERSHIP OF ALL SPECIAL NUCLEAR MATERIAL.—All rights, title, and interest in or to any special nuclear material within or under the jurisdiction of the United States, now or hereafter produced, shall be the property of the United States and shall be administered and controlled by the Commission as agent of and on behalf of the United States by virtue of this Act. Any person owning any interest in any special nuclear material at the time when such material is hereafter determined to be a special nuclear material shall be paid just compensation therefor. Any person who lawfully produces any special nuclear material, except pursuant to a contract with the Commission under the provisions of section 31 or 41, shall be paid a fair price, determined pursuant to section 56, for producing such material.

"SEC. 53. DOMESTIC DISTRIBUTION OF SPECIAL NUCLEAR MATERIAL.—

[Subsections a.-e. deal with licenses, charges, and license conditions.]

"f. The Commission is directed to distribute within the United States sufficient special nuclear material to permit the conduct of widespread independent research and development activities to the maximum extent practicable and within the limitations set by the President pursuant to section 41. In the event that applications for special nuclear material exceed the amount available for distribution, preference shall be given to those activities which are most likely, in the opinion of the Commission, to contribute to basic research, to the development of peacetime uses of atomic energy, or to the economic and military strength of the Nation.

"SEC. 54. FOREIGN DISTRIBUTION OF SPECIAL NUCLEAR MATERIAL.—The Commission is authorized to cooperate with any nation by distributing special nuclear material and to distribute such special nuclear material, pursuant to the terms of an agreement for cooperation to which such nation is a party and which is made in accordance with section 123.

"SEC. 55. ACQUISITION.—The Commission is authorized to purchase or otherwise acquire any special nuclear material or any interest therein outside the United States without regard to the provisions of section

3709 of the Revised Statutes,¹ as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable. Partial and advance payments may be made under contracts for such purposes.

[Section 56 deals with Fair Price.]

"SEC. 57. PROHIBITION.—

"a. It shall be unlawful for any person to—

"(1) possess or transfer any special nuclear material which is the property of the United States except as authorized by the Commission pursuant to subsection 53 a.;

"(2) transfer or receive any special nuclear material in interstate commerce except as authorized by the Commission pursuant to subsection 53 a., or export from or import into the United States any special nuclear material; and

"(3) directly or indirectly engage in the production of any special nuclear material outside of the United States except (A) under an agreement for cooperation made pursuant to section 123, or (B) upon authorization by the Commission after a determination that such activity will not be inimical to the interest of the United States.

"b. The Commission shall not distribute any special nuclear material—

"(1) to any person for a use which is not under the jurisdiction of the United States except pursuant to the provisions of section 54; or

"(2) to any person within the United States, if the Commission finds that the distribution of such special nuclear material to such person would be inimical to the common defense and security.

"CHAPTER 7. SOURCE MATERIAL

"SEC. 61. SOURCE MATERIAL.—The Commission may determine from time to time that other material is source material in addition to those specified in the definition of source material. Before making such determination, the Commission must find that such material is essential to the production of special nuclear material and must find that the determination that such material is source material is in the interest of the common defense and security, and the President must have expressly assented in writing to the determination. The Commission's determination, together with the assent of the President, shall be submitted to the Joint Committee and a period of thirty days shall elapse while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days) before the determination of the Commission may become effective: *Provided, however,* That the Joint Committee, after having received such deter-

¹ 41 U.S.C. § 5.

mination, may by resolution in writing waive the conditions of or all or any portion of such thirty-day period.

"SEC. 62. LICENSE FOR TRANSFERS REQUIRED.—Unless authorized by a general or specific license issued by the Commission, which the Commission is hereby authorized to issue, no person may transfer or receive in interstate commerce, transfer, deliver, receive possession of or title to, or import into or export from the United States any source material after removal from its place of deposit in nature, except that licenses shall not be required for quantities of source material which, in the opinion of the Commission, are unimportant.

[Section 63 deals with Domestic Distribution of Source Material.]

"SEC. 64. FOREIGN DISTRIBUTION OF SOURCE MATERIAL.—The Commission is authorized to cooperate with any nation by distributing source material and to distribute source material pursuant to the terms of an agreement for cooperation to which such nation is a party and which is made in accordance with section 123. The Commission is also authorized to distribute source material outside of the United States upon a determination by the Commission that such activity will not be inimical to the interests of the United States.

[Sections 65-69 deal with Reporting, Acquisition, Operations on Lands Belonging to the United States, Public Lands, and Prohibition.]

"CHAPTER 8. BYPRODUCT MATERIAL

[Section 81 deals with Domestic Distribution.]

"SEC. 82. FOREIGN DISTRIBUTION OF BYPRODUCT MATERIAL.—

"a. The Commission is authorized to cooperate with any nation by distributing byproduct material, and to distribute byproduct material, pursuant to the terms of an agreement for cooperation to which such nation is party and which is made in accordance with section 123.

"b. The Commission is also authorized to distribute byproduct material to any person outside the United States upon application therefor by such person and demand such charge for such material as would be charged for the material if it were distributed within the United States: *Provided, however,* That the Commission shall not distribute any such material to any person under this section if, in its opinion, such distribution would be inimical to the common defense and security: *And provided further,* That the Commission may require such reports regarding the use of material distributed pursuant to the provisions of this section as it deems necessary.

"c. The Commission is authorized to license others to distribute byproduct material to any person outside the United States under the same conditions, except as to charges, as would be applicable if the material were distributed by the Commission.

"CHAPTER 9. MILITARY APPLICATION OF ATOMIC ENERGY

"SEC. 91. AUTHORITY.—

"a. The Commission is authorized to—

"(1) conduct experiments and do research and development work in the military application of atomic energy; and

"(2) engage in the production of atomic weapons, or atomic weapon parts, except that such activities shall be carried on only to the extent that the express consent and direction of the President of the United States has been obtained, which consent and direction shall be obtained at least once each year.

"b. The President from time to time may direct the Commission

(1) to deliver such quantities of special nuclear material or atomic weapons to the Department of Defense for such use as he deems necessary in the interest of national defense, or (2) to authorize the Department of Defense to manufacture, produce, or acquire any atomic weapon or utilization facility for military purposes: *Provided, however,* That such authorization shall not extend to the production of special nuclear material other than that incidental to the operation of such utilization facilities.

"SEC. 92. PROHIBITION.—It shall be unlawful for any person to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, import, or export any atomic weapon, except as may be authorized by the Commission pursuant to the provisions of section 91. Nothing in this section shall be deemed to modify the provisions of subsection 31 a. or section 101.

"CHAPTER 10. ATOMIC ENERGY LICENSES

[Sections 101–103 deal with License Required, Finding of Practical Value, and Commercial Licenses.]

"SEC. 104. MEDICAL THERAPY AND RESEARCH AND DEVELOPMENT.—

"a. The Commission is authorized to issue licenses to persons applying therefor for utilization facilities for use in medical therapy. In issuing such licenses the Commission is directed to permit the widest amount of effective medical therapy possible with the amount of special nuclear material available for such purposes and to impose the minimum amount of regulation consistent with its obligations under this Act to promote the common defense and security and to protect the health and safety of the public.

"b. The Commission is authorized to issue licenses to persons applying therefor for utilization and production facilities involved in the conduct of research and development activities leading to the demonstration of the practical value of such facilities for industrial or commercial purposes. In issuing licenses under this subsection, the Commission shall impose the minimum amount of such regulations and terms of license as will permit the Commission to fulfill its obligations under this Act to promote the common defense and security and to protect the health and safety of the public and will be compatible with

the regulations and terms of license which would apply in the event that a commercial license were later to be issued pursuant to section 103 for that type of facility. In issuing such licenses, priority shall be given to those activities which will, in the opinion of the Commission, lead to major advances in the application of atomic energy for industrial or commercial purposes.

"c. The Commission is authorized to issue licenses to persons applying therefor for utilization and production facilities useful in the conduct of research and development activities of the types specified in section 31 and which are not facilities of the type specified in subsection 104 b. The Commission is directed to impose only such minimum amount of regulation of the licensee as the Commission finds will permit the Commission to fulfill its obligations under this Act to promote the common defense and security and to protect the health and safety of the public and will permit the conduct of widespread and diverse research and development.

"d. No license under this section may be given to any person for activities which are not under or within the jurisdiction of the United States, except for the export of production or utilization facilities under terms of an agreement for cooperation arranged pursuant to section 123 or except under the provisions of section 109. No license may be issued to any corporation or other entity if the Commission knows or has reason to believe it is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government. In any event, no license may be issued to any person within the United States if, in the opinion of the Commission, the issuance of a license to such person would be inimical to the common defense and security or to the health and safety of the public.

[Sections 105-107 deal with Antitrust Provisions, Classes of Facilities, and Operators' Licenses.]

"SEC. 108. WAR OR NATIONAL EMERGENCY.—Whenever the Congress declares that a state of war or national emergency exists, the Commission is authorized to suspend any licenses granted under this Act if in its judgment such action is necessary to the common defense and security. The Commission is authorized during such period, if the Commission finds it necessary to the common defense and security, to order the recapture of any special nuclear material distributed under the provisions of subsection 53 a., or to order the operation of any facility licensed under section 103 or 104, and is authorized to order the entry into any plant or facility in order to recapture such material, or to operate such facility. Just compensation shall be paid for any damages caused by the recapture of any special nuclear material or by the operation of any such facility.

[Sections 109-110 deal with Component Parts of Facilities and Exclusions.]

"CHAPTER 11. INTERNATIONAL ACTIVITIES

"SEC. 121. EFFECT OF INTERNATIONAL ARRANGEMENTS.—Any provision of this Act or any action of the Commission to the extent and during the time that it conflicts with the provisions of any international arrangement made after the date of enactment of this Act shall be deemed to be of no force or effect.

"SEC. 122. POLICIES CONTAINED IN INTERNATIONAL ARRANGEMENTS.—In the performance of its functions under this Act, the Commission shall give maximum effect to the policies contained in any international arrangement made after the date of enactment of this Act.

"SEC. 123. COOPERATION WITH OTHER NATIONS.—No cooperation with any nation or regional defense organization pursuant to sections 54, 57, 64, 82, 103, 104, or 144 shall be undertaken until—

"a. the Commission or, in the case of those agreements for cooperation arranged pursuant to subsection 144 b., the Department of Defense has submitted to the President the proposed agreement for cooperation, together with its recommendation thereon, which proposed agreement shall include (1) the terms, conditions, duration, nature, and scope of the cooperation; (2) a guaranty by the cooperating party that security safeguards and standards as set forth in the agreement for cooperation will be maintained; (3) a guaranty by the cooperating party that any material to be transferred pursuant to such agreement will not be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose; and (4) a guaranty by the cooperating party that any material or any Restricted Data to be transferred pursuant to the agreement for cooperation will not be transferred to unauthorized persons or beyond the jurisdiction of the cooperating party, except as specified in the agreement for cooperation;

"b. the President has approved and authorized the execution of the proposed agreement for cooperation, and has made a determination in writing that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security; and

"c. the proposed agreement for cooperation, together with the approval and the determination of the President, has been submitted to the Joint Committee and a period of thirty days has elapsed while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days).

"SEC. 124. INTERNATIONAL ATOMIC POOL.—The President is authorized to enter into an international arrangement with a group of nations providing for international cooperation in the nonmilitary applications of atomic energy and he may thereafter cooperate with that group of nations pursuant to sections 54, 57, 64, 82, 103, 104, or 144 a.: *Provided, however,* That the cooperation is undertaken pursuant to an agreement for cooperation entered into in accordance with section 123.

"CHAPTER 12. CONTROL OF INFORMATION

"SEC. 141. POLICY.—It shall be the policy of the Commission to control the dissemination and declassification of Restricted Data in such a manner as to assure the common defense and security. Consistent with such policy, the Commission shall be guided by the following principles:

"a. Until effective and enforceable international safeguards against the use of atomic energy for destructive purposes have been established by an international arrangement, there shall be no exchange of Restricted Data with other nations except as authorized by section 144; and

"b. The dissemination of scientific and technical information relating to atomic energy should be permitted and encouraged so as to provide that free interchange of ideas and criticism which is essential to scientific and industrial progress and public understanding and to enlarge the fund of technical information.

"SEC. 142. CLASSIFICATION AND DECLASSIFICATION OF RESTRICTED DATA.—

"a. The Commission shall from time to time determine the data, within the definition of Restricted Data, which can be published without undue risk to the common defense and security and shall thereupon cause such data to be declassified and removed from the category of Restricted Data.

"b. The Commission shall maintain a continuous review of Restricted Data and of any Classification Guides issued for the guidance of those in the atomic energy program with respect to the areas of Restricted Data which have been declassified in order to determine which information may be declassified and removed from the category of Restricted Data without undue risk to the common defense and security.

"c. In the case of Restricted Data which the Commission and the Department of Defense jointly determine to relate primarily to the military utilization of atomic weapons, the determination that such data may be published without constituting an unreasonable risk to the common defense and security shall be made by the Commission and the Department of Defense jointly, and if the Commission and the Department of Defense do not agree, the determination shall be made by the President.

"d. The Commission shall remove from the Restricted Data category such data as the Commission and the Department of Defense jointly determine relates primarily to the military utilization of atomic weapons and which the Commission and Department of Defense jointly determine can be adequately safeguarded as defense information: *Provided, however,* That no such data so removed from the Restricted Data category shall be transmitted or otherwise made available to any nation or regional defense organization, while such data remains defense information, except pursuant to an agreement for cooperation entered into in accordance with subsection 144 b.

"e. The Commission shall remove from the Restricted Data cate-

taken pursuant to an agreement entered into in accordance with section 123.

[Sections 145-146 deal with Restrictions and General Provisions.]

"CHAPTER 13. PATENTS AND INVENTIONS

[Sections 151-160 deal with Military Utilization; Inventions Conceived During Commission Contracts; Nonmilitary Utilization; Injunctions; Prior Art; Commission Patent Licenses; Compensation, Awards, and Royalties; Monopolistic Use of Patents; Federally Financed Research; and Saving Clause.]

"CHAPTER 14. GENERAL AUTHORITY

[Sections 161-169 deal with General Provisions, Contracts, Advisory Committees, Electric Utility Contracts, Contract Practices, Comptroller General Audit, Claim Settlements, Payments in Lieu of Taxes, and No Subsidy.]

"CHAPTER 15. COMPENSATION FOR PRIVATE PROPERTY ACQUIRED

[Sections 171-174 deal with Just Compensation, Condemnation of Real Property, Patent Application Disclosures, and Attorney General Approval of Title.]

"CHAPTER 16. JUDICIAL REVIEW AND ADMINISTRATIVE PROCEDURE

[Sections 181-189 deal with General, License Applications, Terms of Licenses, Inalienability of Licenses, Construction Permits, Revocation, Modification of License, Continued Operation of Facilities, and Hearings and Judicial Review.]

"CHAPTER 17. JOINT COMMITTEE ON ATOMIC ENERGY

"SEC. 201. MEMBERSHIP.—There is hereby established a Joint Committee on Atomic Energy to be composed of nine Members of the Senate to be appointed by the President of the Senate, and nine Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. In each instance not more than five Members shall be members of the same political party.

"SEC. 202. AUTHORITY AND DUTY.—The Joint Committee shall make continuing studies of the activities of the Atomic Energy Commission and of problems relating to the development, use, and control of atomic energy. During the first sixty days of each session of the Congress, the Joint Committee shall conduct hearings in either open or executive session for the purpose of receiving information concerning the development, growth, and state of the atomic energy industry. The Commission shall keep the Joint Committee fully and currently informed with respect to all of the Commission's activities. The Department of Defense shall keep the Joint Committee fully and currently informed with respect to all matters within the Department of

gory such information concerning the atomic energy programs of other nations as the Commission and the Director of Central Intelligence jointly determine to be necessary to carry out the provisions of section 102 (d) of the National Security Act of 1947,¹ as amended, and can be adequately safeguarded as defense information.

[Section 143 deals with Department of Defense Participation.]

"SEC. 144. INTERNATIONAL COOPERATION.—

"a. The President may authorize the Commission to cooperate with another nation and to communicate to that nation Restricted Data on—

"(1) refining, purification, and subsequent treatment of source material;

"(2) reactor development;

"(3) production of special nuclear material;

"(4) health and safety;

"(5) industrial and other applications of atomic energy for peaceful purposes; and

"(6) research and development relating to the foregoing:

Provided, however, That no such cooperation shall involve the communication of Restricted Data relating to the design or fabrication of atomic weapons: *And provided further,* That the cooperation is undertaken pursuant to an agreement for cooperation entered into in accordance with section 123, or is undertaken pursuant to an agreement existing on the effective date of this Act.

"b. The President may authorize the Department of Defense, with the assistance of the Commission, to cooperate with another nation or with a regional defense organization to which the United States is a party, and to communicate to that nation or organization such Restricted Data as is necessary to—

"(1) the development of defense plans;

"(2) the training of personnel in the employment of and defense against atomic weapons; and

"(3) the evaluation of the capabilities of potential enemies in the employment of atomic weapons,

while such other nation or organization is participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defense and security:

Provided, however, That no such cooperation shall involve communication of Restricted Data relating to the design or fabrication of atomic weapons except with regard to external characteristics, including size, weight, and shape, yields and effects, and systems employed in the delivery or use thereof but not including any data in these categories unless in the joint judgment of the Commission and the Department of Defense such data will not reveal important information concerning the design or fabrication of the nuclear components of an atomic weapon: *And provided further,* That the cooperation is under-

¹ 61 Stat. 498; 50 U.S.C. § 403 (d).

Defense relating to the development, utilization, or application of atomic energy. Any Government agency shall furnish any information requested by the Joint Committee with respect to the activities or responsibilities of that agency in the field of atomic energy. All bills, resolutions, and other matters in the Senate or the House of Representatives relating primarily to the Commission or to the development, use, or control of atomic energy shall be referred to the Joint Committee. The members of the Joint Committee who are Members of the Senate shall from time to time report to the Senate, and the members of the Joint Committee who are Members of the House of Representatives shall from time to time report to the House, by bill or otherwise, their recommendations with respect to matters within the jurisdiction of their respective Houses which are referred to the Joint Committee or otherwise within the jurisdiction of the Joint Committee.

[Sections 203-207 deal with Chairman, Powers, Staff and Assistance, Classification of Information, and Records.]

"CHAPTER 18. ENFORCEMENT

[Sections 221-231 deal with General Provisions, Violation of Specific Sections, Violation of Sections Generally, Communication of Restricted Data, Receipt of Restricted Data, Tampering with Restricted Data, Disclosure of Restricted Data, Statute of Limitations, Other Laws, Injunction Proceedings, and Contempt Proceedings.]

"CHAPTER 19. MISCELLANEOUS

[Sections 241, 251, 261, 271-273, 281, and 291 deal with Transfer of Property, Report to Congress, Appropriations, Agency Jurisdiction, Applicability of Federal Power Act, Licensing of Government Agencies, Separability, and Short Title.]

Approved August 30, 1954, 9:44 a. m., E.D.T.

38. ATOMIC INFORMATION FOR MUTUAL DEFENSE: Agreement Between the Governments of the United States and the United Kingdom, June 15, 1955¹

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland,

Recognizing that their mutual security and defense requires that they be prepared to meet the contingencies of atomic warfare,

Recognizing that their common interests will be advanced by the exchange of information pertinent thereto,

¹ TIAS 3322 (6 UST 2721); entered into force July 21, 1955. Similar agreement with Canada on the same date, TIAS 3305 (6 UST 2607).

Believing that the exchange of such information can be undertaken without threat to the security of either country, and

Taking into consideration the United States Atomic Energy Act of 1954,¹ which was prepared with these purposes in mind, Agree as follows:

ARTICLE I

1. While the United States and the United Kingdom are participating in international arrangements for their mutual defense and security and making substantial and material contribution thereto, each Government will from time to time make available to the other Government atomic information which the Government making such information available deems necessary to:

- (a) the development of defense plans;
- (b) the training of personnel in the employment of and defense against atomic weapons; and
- (c) the evaluation of the capabilities of potential enemies in the employment of atomic weapons.

2. Atomic information which is transferred by either Government pursuant to this Agreement shall be used by the other Government exclusively for the preparation and implementation of defense plans in the mutual interests of the two countries.

ARTICLE II

1. All transfers of atomic information to the United Kingdom by the United States pursuant to this Agreement will be made in compliance with the provisions of the United States Atomic Energy Act of 1954 and any subsequent applicable United States legislation. All transfers of atomic information to the United States by the United Kingdom pursuant to this Agreement will be made in compliance with the United Kingdom Official Secrets Acts, 1911-1939, and the United Kingdom Atomic Energy Act of 1946.

2. Under this Agreement there will be no transfers by the United States or the United Kingdom of atomic weapons or special nuclear material, as these terms are defined in Section 11 d. and Section 11 t. of the United States Atomic Energy Act of 1954.

ARTICLE III

1. Atomic information made available pursuant to this Agreement shall be accorded full security protection under applicable security arrangements between the United States and the United Kingdom and applicable national legislation and regulations of the two countries. In no case shall either Government maintain security standards for safeguarding atomic information made available pursuant to this Agreement lower than those set forth in the applicable

¹ Act of Aug. 30, 1954; *supra*.

security arrangements in effect on the date this Agreement comes into force.

2. Atomic information which is exchanged pursuant to this Agreement will be made available through channels existing or hereafter agreed for the exchange of classified defense information between the two Governments.

3. Atomic information received pursuant to this Agreement shall not be transferred by the recipient Government to any unauthorized person or, except as provided in Article V of this Agreement, beyond the jurisdiction of that Government. Each Government may stipulate the degree to which any of the categories of information made available to the other Government pursuant to this Agreement may be disseminated, may specify the categories of persons who may have access to such information, and may impose such other restrictions on the dissemination of such information as it deems necessary.

ARTICLE IV

As used in this Agreement, "atomic information" means:

- (a) so far as concerns the information provided by the United States, Restricted Data, as defined in Section 11 r. of the United States Atomic Energy Act of 1954, which is permitted to be communicated pursuant to the provisions of Section 144 b. of that Act, and information relating primarily to the military utilization of atomic weapons which has been removed from the Restricted Data category in accordance with the provisions of Section 142 d. of the United States Atomic Energy Act of 1954;
- (b) so far as concerns the information provided by the United Kingdom, information exchanged under this Agreement which is either classified atomic energy information or other United Kingdom defense information which it is decided to transfer to the United States in pursuance of Article I of this Agreement.

ARTICLE V

Nothing herein shall be interpreted or operate as a bar or restriction to consultation and cooperation by the United States or the United Kingdom with other nations or regional organizations in any fields of defense. Neither Government, however, shall communicate atomic information made available by the other Government pursuant to this Agreement to any nation or regional organization unless the same information has been made available to that nation or regional organization by the other Government in accordance with its own legislative requirements and except to the extent that such communication is expressly authorized by such other Government.

ARTICLE VI

This Agreement shall enter into force on the date on which each Government shall receive from the other Government written notifica-

tion that it has complied with all statutory and constitutional requirements for the entry into force of such an Agreement, and shall remain in effect until terminated by mutual agreement of both Governments.
DONE at Washington this Fifteenth day of June 1955 in two original texts.

39. ATOMIC INFORMATION FOR MUTUAL DEFENSE: Agreement Between the United States and the Other Parties to the North Atlantic Treaty, June 22, 1955¹

PREAMBLE

The Parties to the North Atlantic Treaty, signed at Washington on 4th April, 1949,

Recognising that their mutual security and defence requires that they be prepared to meet the contingencies of atomic warfare, and

Recognising that their common interests will be advanced by making available to the North Atlantic Treaty Organization information pertinent thereto, and

Taking into consideration the United States Atomic Energy Act of 1954,² which was prepared with these purposes in mind,

Acting on their own behalf and on behalf of the North Atlantic Treaty Organization,

Agree as follows:

ARTICLE I

1. While the North Atlantic Treaty Organization continues to make substantial and material contributions to the common defence efforts, the United States will from time to time make available to the North Atlantic Treaty Organization, including its civil and military agencies and commands, atomic information which the Government of the United States of America deems necessary to:

- (a) the development of defence plans;
- (b) the training of personnel in the employment of and defence against atomic weapons; and
- (c) the evaluation of the capabilities of potential enemies in the employment of atomic weapons.

2. As used in this Agreement so far as concerns information provided by the United States, "atomic information" means Restricted Data, as defined in Section 11 r of the United States Atomic Energy Act of 1954, which is permitted to be communicated pursuant to the provisions of Section 144 b of that Act, and information relating primarily

¹ TIAS 3521 (7 UST 397); entered into force Mar. 29, 1956. The agreement was forwarded to the President under cover of a letter from the Secretary of Defense, Apr. 2, 1955 (Department of State *Bulletin*, Apr. 25, 1955, pp. 686-687); the President approved the agreement in his letter to the chairman of the Joint Committee on Atomic Energy, Apr. 13, 1955 (*ibid.*, p. 686).

² *Supra*, doc. 37.

the military utilisation of atomic weapons which has been removed from the Restricted Data category in accordance with the provisions of Section 142 d of the United States Atomic Energy Act of 1954.

3. All transfers by the Government of the United States of America of atomic information will be made in compliance with the provisions of the United States Atomic Energy Act of 1954, and subsequent applicable United States legislation. Under this Agreement there will be no transfers of atomic weapons or special nuclear material, as these terms are defined in Section 11 d and Section 11 t of the United States Atomic Energy Act of 1954. (The Sections of the United States Atomic Energy Act of 1954 referred to in paragraphs 2 and 3 of this Article are attached).¹

ARTICLE II

1. Atomic information which is transferred to the North Atlantic Treaty Organization will be made available through the channels now existing for providing classified military information to the North Atlantic Treaty Organization.

2. Only those persons within the North Atlantic Treaty Organization whose duties require access to atomic information may be the original recipients of such information. Atomic information will be authorised for dissemination within the North Atlantic Treaty Organization only to persons whose North Atlantic Treaty Organization responsibilities require them to have access to such information. Information will not be transferred by the North Atlantic Treaty Organization to unauthorised persons or beyond the jurisdiction of that Organization. The Government of the United States of America may stipulate the degree to which any of the categories of information made available by it may be disseminated, may specify the categories of persons who may have access to such information, and may impose such other restrictions on the dissemination of information as it deems necessary.

ARTICLE III

1. Atomic information will be accorded full security protection under applicable North Atlantic Treaty Organization regulations and procedures, and where applicable, national legislation and regulations. In no case will recipients maintain security standards for the safeguarding of atomic information lower than those set forth in the pertinent North Atlantic Treaty Organization security regulations in effect on the date this Agreement comes into force.

ARTICLE IV

1. Atomic information which is transferred by the Government of the United States of America pursuant to Article I of this Agreement shall be used exclusively for the preparation of and in implementation of North Atlantic Treaty Organization defence plans.

2. The North Atlantic Treaty Organization will from time to time

¹ Not reprinted here.

render reports to the Government of the United States of America of the use which has been made of the information. These reports will contain pertinent information requested by the Government of the United States of America and will in particular contain a list of the persons possessing certain categories of information, in accordance with the provisions of paragraph 2 of Article II, and a list of the documents which have been transferred.

ARTICLE V

1. The Parties to the North Atlantic Treaty, other than the United States, will to the extent that they deem necessary, make available to the North Atlantic Treaty Organization information in the same categories as may be made available by the United States under Article I of this Agreement. Any such information will be supplied on the same or similar conditions as those which apply under this Agreement with respect to the United States.

ARTICLE VI

1. The Agreement shall enter into force upon notification to the United States by all Parties to the North Atlantic Treaty that they are bound by the terms of the Agreement.

2. If any other State becomes a Party to the North Atlantic Treaty no information made available to the North Atlantic Treaty Organization under this Agreement will be provided to any person who is a national of, or who is employed by, the new Party to the North Atlantic Treaty until the new Party has notified the Government of the United States of America that it is bound by the terms of this Agreement, and upon such notification, this Agreement will enter into force for the new Party.

3. The Government of the United States of America will inform all Parties to the North Atlantic Treaty of the entry into force of this Agreement under paragraph 1 of this Article and of each notification received under paragraph 2 of this Article.

4. This Agreement shall be valid as long as the North Atlantic Treaty is in force.

In witness whereof the undersigned Representatives have signed the present Agreement on behalf of their respective States, members of the North Atlantic Treaty Organization, and on behalf of the North Atlantic Treaty Organization.

Done at Paris this 22nd day of June 1955, in the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the Archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding states.

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SECTIONS OF THE UNITED STATES ATOMIC ENERGY ACT OF 1954
REFERRED TO IN THE AGREEMENT FOR CO-OPERATION REGARDING
ATOMIC INFORMATION

*Sections 11d, 11r, 11t, 142d, and 144b; not reproduced here, see text
of the Act, supra.]*

**10. CIVIL USES OF ATOMIC ENERGY: Agreement Between the
Governments of the United States and the Turkish Republic,
June 10, 1955**¹

Whereas the peaceful uses of atomic energy hold great promise
for all mankind; and

Whereas the Government of the United States of America and
the Government of the Turkish Republic desire to cooperate with
each other in the development of such peaceful uses of atomic energy;
and

Whereas there is well advanced the design and development of
several types of research reactors (as defined in Article X of this
Agreement); and

Whereas research reactors are useful in the production of research
quantities of radioisotopes, in medical therapy and in numerous other
research activities and at the same time are a means of affording
valuable training and experience in nuclear science and engineering
useful in the development of other peaceful uses of atomic energy
including civilian nuclear power; and

Whereas the Government of the Turkish Republic desires to pursue
a research and development program looking toward the realization
of the peaceful and humanitarian uses of atomic energy and desires
to obtain assistance from the Government of the United States of

¹ TIAS 3320 (6 UST 2703); entered into force on date of signature. The
agreement with Turkey is usually considered the "Master" agreement, being the
first concluded under the "Atoms for Peace" program. As of the end of calendar
year 1955 the United States had signed similar agreements with the following
countries on the dates indicated: Argentina, July 29, 1955 (TIAS 3299; 6 UST
537); Belgium, July 21, 1955 (TIAS 3301; 6 UST 2551); Brazil, Aug. 3, 1955
(TIAS 3303; 6 UST 2583); Canada, July 21, 1955 (TIAS 3304; 6 UST 2595);
Chile, Aug. 8, 1955 (TIAS 3306; 6 UST 2611); China, July 18, 1955 (TIAS 3307;
6 UST 2617); Colombia, July 19, 1955 (TIAS 3308; 6 UST 2623); Denmark,
July 25, 1955 (TIAS 3309; 6 UST 2629); Greece, Aug. 4, 1955 (TIAS 3310;
6 UST 2635); Israel, July 12, 1955 (TIAS 3311; 6 UST 2641); Italy, July 28, 1955
(TIAS 3312; 6 UST 2647); Japan, Nov. 14, 1955 (entered into force Dec. 27, 1955)
(TIAS 3465; 6 UST 6119); Lebanon, July 18, 1955 (TIAS 3313; 6 UST 2653);
Netherlands, July 18, 1955 (entered into force Dec. 30, 1955) (TIAS 3461; 6
UST 6097); Pakistan, Aug. 11, 1955 (TIAS 3315; 6 UST 2665); Philippines,
July 27, 1955 (TIAS 3316; 6 UST 2671); Portugal, July 21, 1955 (TIAS 3317;
6 UST 2677); Spain, July 19, 1955 (TIAS 3318; 6 UST 2689); Switzerland, July
8, 1955 (TIAS 3319; 6 UST 2695); United Kingdom, June 15, 1955 (entered
into force July 21, 1955) (TIAS 3321; 6 UST 2700); supplemental agreement
with the United Kingdom, Nov. 3, 1955 (TIAS 3359; 6 UST 3079); and Venezuela,
July 21, 1955 (TIAS 3323; 6 UST 2725). Except where otherwise indicated, these
agreements entered into force on the date of signature.

America and United States industry with respect to this program; and

Whereas the Government of the United States of America, represented by the United States Atomic Energy Commission (hereinafter referred to as the "Commission"), desires to assist the Government of the Turkish Republic in such a program;

The Parties therefore agree as follows:

ARTICLE I

Subject to the limitations of Article V, the parties hereto will exchange information in the following fields:

A. Design, construction and operation of research reactors and their use as research, development, and engineering tools and in medical therapy.

B. Health and safety problems related to the operation and use of research reactors.

C. The use of radioactive isotopes in physical and biological research, medical therapy, agriculture, and industry.

ARTICLE II

A. The Commission will lease to the Government of the Turkish Republic uranium enriched in the isotope U-235, subject to the terms and conditions provided herein, as may be required as initial and replacement fuel in the operation of research reactors which the Government of the Turkish Republic, in consultation with the Commission, decides to construct and as required in agreed experiments related thereto. Also, the Commission will lease to the Government of the Turkish Republic uranium enriched in the isotope U-235, subject to the terms and conditions provided herein, as may be required as initial and replacement fuel in the operation of such research reactors as the Government of the Turkish Republic may, in consultation with the Commission, decide to authorize private individuals or private organizations under its jurisdiction to construct and operate, provided the Government of the Turkish Republic shall at all times maintain sufficient control of the material and the operation of the reactor to enable the Government of the Turkish Republic to comply with the provisions of this Agreement and the applicable provisions of the lease arrangement.

B. The quantity of uranium enriched in the isotope U-235 transferred by the Commission into the custody of the Government of the Turkish Republic shall not at any time be in excess of six (6) kilograms of contained U-235 in uranium enriched up to a maximum of twenty percent (20%) U-235, unless the Commission shall specify that a greater quantity of such material may be transferred under this Agreement to the Government of the Turkish Republic or authorized persons under its jurisdiction.

C. When any fuel elements containing U-235 leased by the Commission require replacement, they shall be returned to the Commission and, except as may be agreed, the form and content of the

radiated fuel elements shall not be altered after their removal from the reactor and prior to delivery to the Commission.

D. The lease of uranium enriched in the isotope U-235 under this article shall be on such terms and conditions as may be mutually agreed and under the conditions stated in Articles VI and VII.

ARTICLE III

Subject to the availability of supply and as may be mutually agreed, the Commission will sell or lease through such means as it deems appropriate, to the Government of the Turkish Republic or authorized persons under its jurisdiction such reactor materials, other than special nuclear materials, as are not obtainable on the commercial market and which are required in the construction and operation of research reactors in Turkey. The sale or lease of these materials shall be on such terms as may be agreed.

ARTICLE IV

It is contemplated that, as provided in this Article, private individuals and private organizations in either the United States or Turkey may deal directly with private individuals and private organizations in the other country. Accordingly, with respect to the subjects of agreed exchange of information as provided in Article I, the Government of the United States will permit persons under its jurisdiction to transfer and export materials, including equipment and devices, to, and perform services for, the Government of the Turkish Republic and such persons under its jurisdiction as are authorized by the Government of the Turkish Republic to receive and possess such materials and utilize such services, subject to:

- A. Limitations in Article V.
- B. Applicable laws, regulations and license requirements of the Government of the United States, and the Government of the Turkish Republic.

ARTICLE V

Restricted Data shall not be communicated under this Agreement and no materials or equipment and devices shall be transferred and no services shall be furnished under this Agreement to the Government of the Turkish Republic or authorized persons under its jurisdiction if the transfer of any such materials or equipment and devices or the furnishing of any such services involves the communication of Restricted Data.

ARTICLE VI

A. The Government of the Turkish Republic agrees to maintain such safeguards as are necessary to assure that the uranium enriched in the isotope U-235 leased from the Commission shall be used solely for the purposes agreed in accordance with this Agreement and to assure the safekeeping of this material.

B. The Government of the Turkish Republic agrees to maintain such safeguards as are necessary to assure that all other reactor materials, including equipment and devices, purchased in the United States of America under this Agreement by the Government of the Turkish Republic or authorized persons under its jurisdiction, shall be used solely for the design, construction, and operation of research reactors which the Government of the Turkish Republic decides to construct and operate and for research in connection therewith, except as may otherwise be agreed.

C. In regard to research reactors constructed pursuant to this Agreement the Government of the Turkish Republic agrees to maintain records relating to power levels of operation and burnup of reactor fuels and to make annual reports to the Commission on these subjects. If the Commission requests, the Government of the Turkish Republic will permit Commission representatives to observe from time to time the condition and use of any leased material and to observe the performance of the reactor in which the material is used.

ARTICLE VII

Guaranties Prescribed by the U.S. Atomic Energy Act of 1954¹

The Government of the Turkish Republic guaranties that:

A. Safeguards provided in Article VI shall be maintained.

B. No material, including equipment and devices, transferred to the Government of the Turkish Republic or authorized persons under its jurisdiction, pursuant to this Agreement, by lease, sale, or otherwise will be used for atomic weapons or for research on or development of atomic weapons or for any other military purposes, and that no such material, including equipment and devices, will be transferred to unauthorized persons or beyond the jurisdiction of the Government of the Turkish Republic except as the Commission may agree to such transfer to another nation and then only if in the opinion of the Commission such transfer falls within the scope of an agreement for cooperation between the United States and the other nation.

ARTICLE VIII

This Agreement shall enter into force on June 10, 1955 and remain in force until June 9, 1965, inclusively, and shall be subject to renewal as may be mutually agreed.

At the expiration of this Agreement or any extension thereof the Government of the Turkish Republic shall deliver to the United States all fuel elements containing reactor fuels leased by the Commission and any other fuel material leased by the Commission. Such fuel elements and such fuel materials shall be delivered to the Commission at a site in the United States designated by the Commission

¹ Act of Aug. 30, 1954; *supra*, doc. 37.

the expense of the Government of the Turkish Republic, and such
 very shall be made under appropriate safeguards against radiation
 ards while in transit.

ARTICLE IX

is the hope and expectation of the parties that this initial Agree-
 t for Cooperation will lead to consideration of further cooperation
 nding to the design, construction, and operation of power produc-
 reactors. Accordingly, the parties will consult with each other
 a time to time concerning the feasibility of an additional agreement
 cooperation with respect to the production of power from atomic
 gy in Turkey.

ARTICLE X

or purposes of this Agreement:

. "Commission" means the United States Atomic Energy Com-
 sion or its duly authorized representatives.

. "Equipment and devices" means any instrument or apparatus,
 includes research reactors, as defined herein, and their component
 s.

. "Research reactor" means a reactor which is designed for the
 duction of neutrons and other radiations for general research and
 elopment purposes, medical therapy, or training in nuclear science
 engineering. The term does not cover power reactors, power
 onstration reactors, or reactors designed primarily for the produc-
 of special nuclear materials.

. The terms "Restricted Data", "atomic weapon", and "special
 ear material" are used in this Agreement as defined in the United
 es Atomic Energy Act of 1954.

WITNESS WHEREOF, the parties hereto have caused this Agree-
 t to be executed pursuant to duly constituted authority.

ONE at Washington in duplicate this tenth day of June, 1955.

. ; ; ; ; . .

Part XVII

FOREIGN ECONOMIC POLICIES—TRADE AND TARIFFS

[REPORT TO THE PRESIDENT BY HIS SPECIAL ASSISTANT
ON FOREIGN ECONOMIC POLICIES (GRAY REPORT), NO-
VEMBER 10, 1950] ¹

[REPORT TO THE PRESIDENT BY THE INTERNATIONAL DE-
VELOPMENT ADVISORY BOARD (ROCKEFELLER REPORT),
MARCH 7, 1951] ²

1. TRADE AGREEMENTS EXTENSION ACT OF 1951: Public Law 50 (82d Congress, 1st Session), June 16, 1951 ³

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Trade Agreements Extension Act of 1951".

¹ *Report to the President on Foreign Economic Policies*, Washington, D.C. Government Printing Office, 1950. On Mar. 31, 1950, the President requested Mr. Gordon Gray as his special assistant to study the whole complex of United States foreign economic relations and to develop appropriate recommendations designed to "assure ourselves that our policies are those which will serve best to reinforce our economic strength and that of the other free nations of the world." For "Summary and Recommendations," see *ibid.*, pp. 1-18; for "Analysis of the Gray Report," see *Report of the Special Subcommittee on Foreign Economic Cooperation of the Senate Appropriations Committee*, 82d Cong., 1st sess. (Subcommittee Print).

² *Partners in Progress: A Report to the President by the International Development Advisory Board*, Washington, D.C., Government Printing Office, 1951. On Nov. 24, 1950, the President requested the Advisory Board on International Development (Mr. Nelson Rockefeller, chairman) to "address itself specifically to the consideration of desirable plans to accomplish with maximum dispatch and effectiveness the broad objectives and policies of the Point Four program. . . . You will wish to formulate your recommendations in light of the Gray Report's comprehensive analysis of our entire foreign economic policy" (*ibid.*, pp. 89-90). The Advisory Board had been created under the "Act for International Development," June 5, 1950 (PL 535, 81st Cong., 2d sess.)—an act to implement Point Four of the President's Inaugural Address, Jan. 20, 1949 (see *A Decade of American Foreign Policy*, pp. 1366-1367). The "recommendations" of the Board appear in italics under the appropriate topical headings of the Report.

³ 65 Stat. 72.

c. 2. The period during which the President is authorized to enter into foreign-trade agreements under section 350 of the Tariff Act of 1930,¹ as amended and extended is hereby extended for a further period of two years from June 12, 1951.

c. 3. (a) Before entering into negotiations concerning any proposed foreign trade agreement under section 350 of the Tariff Act of 1930, as amended, the President shall furnish the United States Tariff Commission (hereinafter in this Act referred to as the "Commission") with a list of all articles imported into the United States to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or continuance of existing customs or excise treatment. Upon receipt of such list the Commission shall make an investigation and report to the President the findings of the Commission with respect to each such article as to (1) the limit to which such modification, imposition, or continuance may be extended in order to carry out the purpose of such section 350 without causing or threatening serious injury to the domestic industry producing like or directly competitive articles; (2) if increases in duties or additional import restrictions are required to avoid serious injury to the domestic industry producing like or directly competitive articles the minimum increases in duties and additional import restrictions required. Such report shall be made to the Commission to the President not later than 120 days after receipt of such list by the Commission. No such foreign trade agreement shall be entered into until the Commission has made its report to the President or until the expiration of the 120-day period.

(b) In the course of any investigation pursuant to this section the Commission shall hold hearings and give reasonable public notice thereof, and shall afford reasonable opportunity for parties interested to be present, to produce evidence, and to be heard at such hearings.

Section 4 of the Act entitled "An Act to amend the Tariff Act of 1930", approved June 12, 1934,² as amended (19 U. S. C., sec. 1354), is hereby amended by striking out the matter following the semicolon and inserting in lieu thereof the following: "and before concluding such agreement the President shall request the Tariff Commission to make the investigation and report provided for by section 3 of the Trade Agreements Extension Act of 1951, and shall seek information and advice with respect to such agreement from the Departments of State, Agriculture, Commerce, and Defense, and from such other agencies as he may deem appropriate."

c. 4. (a) Within thirty days after any trade agreement under section 350 of the Tariff Act of 1930, as amended, has been entered into which, when effective, will (1) require or make appropriate any modification of duties or other import restrictions, the imposition of additional import restrictions, or the continuance of existing customs or excise treatment, which modification, imposition, or continuance exceeds the limit to which such modification, imposition, or continuance may be extended without causing or threatening serious

¹ Act of June 17, 1930; 46 Stat. 590.

² Stat. 943.

injury to the domestic industry producing like or directly competitive articles as found and reported by the Tariff Commission under section 3, or (2) fail to require or make appropriate the minimum increase in duty or additional import restrictions required to avoid such injury, the President shall transmit to Congress a copy of such agreement together with a message accurately identifying the article with respect to which such limits or minimum requirements are not complied with, and stating his reasons for the action taken with respect to such article. If either the Senate or the House of Representatives, or both, are not in session at the time of such transmission, such agreement and message shall be filed with the Secretary of the Senate or the Clerk of the House of Representatives, or both, as the case may be.

(b) Promptly after the President has transmitted such foreign trade agreement to Congress the Commission shall deposit with the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate, a copy of the portions of its report to the President dealing with the articles with respect to which such limits or minimum requirements are not complied with.

SEC. 5. As soon as practicable, the President shall take such action as is necessary to suspend, withdraw or prevent the application of any reduction in any rate of duty, or binding of any existing customs or excise treatment, or other concession contained in any trade agreement entered into under authority of section 350 of the Tariff Act of 1930, as amended and extended, to imports from the Union of Soviet Socialist Republics and to imports from any nation or area dominated or controlled by the foreign government or foreign organization controlling the world Communist movement.

SEC. 6. (a) No reduction in any rate of duty, or binding of any existing customs or excise treatment, or other concession hereafter proclaimed under section 350 of the Tariff Act of 1930, as amended, shall be permitted to continue in effect when the product on which the concession has been granted is, as a result, in whole or in part, of the duty or other customs treatment reflecting such concession, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

(b) The President, as soon as practicable, shall take such action as may be necessary to bring trade agreements heretofore entered into under section 350 of the Tariff Act of 1930, as amended, into conformity with the policy established in subsection (a) of this section.

On or before January 10, 1952, and every six months thereafter, the President shall report to the Congress on the action taken by him under this subsection.¹

SEC. 7. (a) Upon the request of the President, upon resolution of either House of Congress, upon resolution of either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives, upon its own motion, or upon application

¹ For reports of July 10, 1952, Jan. 10, 1953, and July 9, 1953, see H. Docs. 42 and 54 (83d Cong., 1st sess.), and Department of State *Bulletin*, July 20, 1953, p. 92.

of any interested party, the United States Tariff Commission shall promptly make an investigation and make a report thereon not later than one year after the application is made to determine whether any product upon which a concession has been granted under a trade agreement is, as a result, in whole or in part, of the duty or other customs treatment reflecting such concession, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

In the course of any such investigation, whenever it finds evidence of serious injury or threat of serious injury or whenever so directed by resolution of either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives, the Tariff Commission shall hold hearings giving reasonable public notice thereof and shall afford reasonable opportunity for interested parties to be present, to produce evidence, and to be heard at such hearings.

Should the Tariff Commission find, as the result of its investigation and hearings, that a product on which a concession has been granted is, as a result, in whole or in part, of the duty or other customs treatment reflecting such concession, being imported in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products, it shall recommend to the President the withdrawal or modification of the concession, its suspension in whole or in part, or the establishment of import quotas, to the extent and for the time necessary to prevent or remedy such injury. Within sixty days, or sooner if the President has taken action under subsection (c) of this section, the Tariff Commission shall transmit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives an exact copy of its report and recommendations to the President.

(b) In arriving at a determination in the foregoing procedure the Tariff Commission, without excluding other factors, shall take into consideration a downward trend of production, employment, prices, profits, or wages in the domestic industry concerned, or a decline in sales, an increase in imports, either actual or relative to domestic production, a higher or growing inventory, or a decline in the proportion of the domestic market supplied by domestic producers.

(c) Upon receipt of the Tariff Commission's report of its investigation and hearings, the President may make such adjustments in the rates of duty, impose such quotas, or make such other modifications as are found and reported by the Commission to be necessary to prevent or remedy serious injury to the respective domestic industry. If the President does not take such action within sixty days he shall immediately submit a report to the Committee on Ways and Means of the House and to the Committee on Finance of the Senate stating why he has not made such adjustments or modifications, or imposed such quotas.

(d) When in the judgment of the Tariff Commission no sufficient reason exists for a recommendation to the President that a concession should be withdrawn or modified or a quota established, it shall make and publish a report stating its findings and conclusions.

SEC. 8. (a) In any case where the Secretary of Agriculture determines and reports to the President and to the Tariff Commission with regard to any agricultural commodity that due to the perishability of the commodity a condition exists requiring emergency treatment, the Tariff Commission shall make an immediate investigation under the provisions of section 22 of the Agricultural Adjustment Act, as amended,¹ or under the provisions of section 7 of this Act to determine the facts and make recommendations to the President for such relief under those provisions as may be appropriate. The President may take immediate action however, without awaiting the recommendations of the Tariff Commission if in his judgment the emergency requires such action. In any case the report and findings of the Tariff Commission and the decision of the President shall be made at the earliest possible date and in any event not more than 25 calendar days after the submission of the case to the Tariff Commission.

(b) Subsection (f) of section 22 of the Agricultural Adjustment Act, as amended, is hereby amended to read as follows:

"(f) No trade agreement or other international agreement heretofore or hereafter entered into by the United States shall be applied in a manner inconsistent with the requirements of this section."

SEC. 9. (a) The second sentence of section 2 (a) of the Act entitled "An Act to amend the Tariff Act of 1930", approved June 12, 1934, as amended, is amended by striking out the word "sections" and inserting in lieu thereof the word "section" and by striking out "and 516 (b)".

(b) Subsection (c) of section 17 of the Customs Administrative Act of 1938, as amended,² is hereby repealed.

SEC. 10. The enactment of this Act shall not be construed to determine or indicate the approval or disapproval by the Congress of the Executive Agreement known as the General Agreement on Tariffs and Trade.³

SEC. 11. The President shall, as soon as practicable, take such measures as may be necessary to prevent the importation of ermine, fox, kolinsky, marten, mink, muskrat, and weasel furs and skins, dressed or undressed, which are the product of the Union of Soviet Socialist Republics or of Communist China.

¹ Act of July 3, 1948; 62 Stat. 1247.

² Act of June 25, 1938; 52 Stat. 1077.

³ Agreement of Oct. 30, 1947; 61 Stat., pts. 5 and 6.

[REPORT OF THE PRESIDENT'S MATERIALS POLICY COMMISSION (PALEY REPORT), JUNE 1952]¹

[REPORT TO THE PRESIDENT BY THE PUBLIC ADVISORY BOARD FOR MUTUAL SECURITY (BELL REPORT), FEBRUARY 24, 1953]²

2. TRADE AGREEMENTS EXTENSION ACT OF 1953: Public Law 215 (83d Congress, 1st Session), August 7, 1953³

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Trade Agreements Extension Act of 1953".

TITLE I--FOREIGN-TRADE AGREEMENTS

SEC. 101. EXTENSION OF AUTHORITY.

The period during which the President is authorized to enter into foreign-trade agreements under section 350 of the Tariff Act of 1930, as amended and extended⁴ (19 U. S. C., sec. 1351), is hereby extended for a further period of one year from June 12, 1953.

SEC. 102. TIME FOR CERTAIN REPORTS BY TARIFF COMMISSION.

The first paragraph of subsection (a) of section 7 of the Trade Agreements Extension Act of 1951⁵ (19 U. S. C., sec. 1364) is hereby amended by striking out "one year" and inserting in lieu thereof "nine months". In the case of any application made under such first paragraph before the date of the enactment of this Act, the United States Tariff Commission shall make its report not later than whichever of the following is the earlier: (1) one year after the application was made, or (2) nine months after the date of the enactment of this Act.

¹ Report of the President's Materials Policy Commission, *Resources for Freedom*: vol. I, *Foundations for Growth and Security*; vol. II, *The Outlook for Key Commodities*; vol. III, *The Outlook for Energy Sources*; vol. IV, *The Promise of Technology*; vol. V, *Selected Reports to the Commission* (Washington, D. C., Government Printing Office, 1952). Mr. William S. Paley served as chairman of this Commission. "Digest of Volume I" may be found in Department of State *Bulletin*, July 14, 1952, pp. 55-60.

² *A Trade and Tariff Policy in the National Interest: A Report to the President by the Public Advisory Board for Mutual Security*, Washington, D. C., Government Printing Office, 1953. The President requested the members of the Public Advisory Board for Mutual Security (Mr. Daniel Bell, acting chairman) to "undertake an investigation of the foreign trade policies of the United States, particularly as they affect our efforts . . . to achieve economic strength and solvency among the free nations. . . . I think you should examine our tariff policy, with special reference to the expiration of the Reciprocal Trade Agreements Act in 1953. . . . I would also like to have your views on the role of international agencies in the trade field" (Department of State *Bulletin*, July 21, 1952, pp. 104-105). A summary of the Bell report appears *ibid.*, Mar. 23, 1953, pp. 436-438.

³ 67 Stat. 472.

⁴ Act of June 17, 1930; 46 Stat. 590.

⁵ *Supra*, doc. 1.

SEC. 103. GENERAL AGREEMENT ON TARIFFS AND TRADE NOT AFFECTED.

The enactment of this Act shall not be construed to determine or indicate the approval or disapproval by the Congress of the Executive Agreement known as the General Agreement on Tariffs and Trade.¹

SEC. 104. EMERGENCY ACTION UNDER SECTION 22 OF THE AGRICULTURAL ADJUSTMENT ACT.

Section 8 of the Trade Agreements Extension Act of 1951 (Public Law 50, Eighty-second Congress, first session) is hereby amended by adding a new subsection (c) at the end thereof, reading as follows:

"(c) Subsection (b) of section 22 of the Agriculture Adjustment Act, as amended,² is amended by adding at the end thereof the following:

"In any case where the Secretary of Agriculture determines and reports to the President with regard to any article or articles that a condition exists requiring emergency treatment, the President may take immediate action under this section without awaiting the recommendations of the Tariff Commission, such action to continue in effect pending the report and recommendations of the Tariff Commission and action thereon by the President.' "

TITLE II—UNITED STATES TARIFF COMMISSION

SEC. 201. EFFECT OF DIVIDED VOTE IN CERTAIN CASES.

Section 330 of the Tariff Act of 1930, as amended, is hereby amended by adding a new subsection (d) reading as follows:

"(d) EFFECT OF DIVIDED VOTE IN CERTAIN CASES.—

"(1) Whenever, in any case calling for findings of the Commission in connection with any authority conferred upon the President by law to make changes in import restrictions, a majority of the commissioners voting are unable to agree upon findings or recommendations, the findings (and recommendations, if any) unanimously agreed upon by one-half of the number of commissioners voting may be considered by the President as the findings and recommendations of the Commission: *Provided*, That if the commissioners voting are divided into two equal groups each of which is unanimously agreed upon findings (and recommendations, if any) the findings (and recommendations, if any) of either group may be considered by the President as the findings (and recommendations, if any) of the Commission. In any case of a divided vote referred to in this paragraph the Commission shall transmit to the President the findings (and recommendations, if any) of each group within the Commission with respect to the matter in question.

"(2) Whenever, in any case in which the Commission is authorized to make an investigation upon its own motion, upon complaint, or upon application of any interested party, one-half of the number of commissioners voting agree that the investigation should be made, such investigation shall thereupon be carried out in accordance with the statutory authority covering the matter.

¹ Agreement of Oct. 30, 1947; 61 Stat., pts. 5 and 6.

² Act of July 3, 1948; 62 Stat. 1247.

in question. Whenever the Commission is authorized to hold hearings in the course of any investigation and one-half of the number of commissioners voting agree that hearings should be held, such hearings shall thereupon be held in accordance with the statutory authority covering the matter in question."

TITLE III—ESTABLISHMENT OF COMMISSION ON FOREIGN ECONOMIC POLICY¹

SEC. 301. ESTABLISHMENT OF THE COMMISSION.

There is hereby established a bipartisan commission to be known as the Commission on Foreign Economic Policy (in this title referred to as the "Commission").

SEC. 302. MEMBERSHIP OF THE COMMISSION.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of seventeen members as follows:

- (1) Seven appointed by the President of the United States;
- (2) Five appointed from the Senate by the Vice President of the United States; and
- (3) Five appointed from the House of Representatives by the Speaker of the House of Representatives.

(b) POLITICAL AFFILIATION.—Of the first class of members specified in subsection (a), no more than four members shall be from the same political party. Of the second and third classes of members specified in subsection (a), no more than three members from each class shall be from the same political party.

SEC. 303. ORGANIZATION OF THE COMMISSION.

The President shall designate the member of the Commission who shall be the Chairman, and the member who shall be the Vice Chairman.

SEC. 304. QUORUM.

Nine members of the Commission (including at least five who are Members of Congress) shall constitute a quorum.

SEC. 305. COMPENSATION OF MEMBERS OF THE COMMISSION.

(a) MEMBERS OF CONGRESS.—Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) MEMBERS FROM THE EXECUTIVE BRANCH.—The members of the Commission who are in the executive branch of the Government shall each receive the compensation which he would receive if he were not a member of the Commission, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(c) MEMBERS FROM PRIVATE LIFE.—The members from private life

¹ The Commission made its report in January 1954; see *infra*, doc. 3.

shall receive not to exceed \$75 per diem when engaged in the performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

SEC. 306. STAFF OF THE COMMISSION.

(a) **APPOINTMENT OF PERSONNEL.**—The Commission may appoint such personnel as it deems advisable, without regard to the civil-service laws, and shall fix the compensation of such personnel in accordance with the Classification Act of 1949,¹ as amended. The Commission may procure temporary and intermittent services in accordance with section 15 of the Act of August 2, 1946² (5 U. S. C., sec. 55a), but at rates not to exceed \$75 per diem for individuals. The Commission may reimburse employees, experts, and consultants for travel, subsistence, and other necessary expenses incurred by them in the performance of their official duties and make reasonable advances to such persons for such purposes.

(b) **CERTAIN LAWS NOT TO APPLY.**—Except for members of the Commission appointed by the Vice President or the Speaker of the House, and except for any member of the Commission who may be appointed by the President from the executive branch of the Government, service of an individual as a member of the Commission, employment of an individual pursuant to the first sentence of subsection (a), and service by a person pursuant to the second sentence of subsection (a), shall not be considered as service or employment bringing such person within the provisions of section 281, 283, or 284, or 1914 of title 18 of the United States Code, or section 412 of the Mutual Defense Assistance Act of 1949,³ as amended (22 U. S. C., sec. 1584), or section 190 of the Revised Statutes (5 U. S. C., sec. 99).

SEC. 307. EXPENSES OF THE COMMISSION.

There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this title.

SEC. 308. REPORT—EXPIRATION OF THE COMMISSION.

(a) **REPORT.**—Within sixty days after the second regular session of the Eighty-third Congress is convened, the Commission shall make a report of its findings and recommendations to the President and to the Congress.

(b) **EXPIRATION OF THE COMMISSION.**—Ninety days after the submission to the Congress of the report provided for in subsection (a) of this section, the Commission shall cease to exist.

SEC. 309. DUTIES OF THE COMMISSION.

(a) **IN GENERAL.**—The Commission is directed to examine, study, and report on the subjects of international trade and its enlargement consistent with a sound domestic economy, our foreign economic policy, and the trade aspects of our national security and total for-

¹ Act of Oct. 28, 1949; 63 Stat. 954.

² 60 Stat. 806-812.

³ Act of Oct. 6, 1949; *A Decade of American Foreign Policy*, pp. 1356-1364.

gn policy; and to recommend appropriate policies, measures, and practices.

(b) CERTAIN OF THE MATTERS TO BE CONSIDERED AND REPORTED ON.—Without limiting the general scope of the direction to the Commission contained in subsection (a), the Commission shall consider, and shall report on, the following matters:

(1) (A) Applicable provisions of the Constitution of the United States;

(B) Laws, regulations, and practices of the United States relating to international trade, including such matters as tariffs, customs, customs administration, trade agreements, peril point and escape procedures, opinions and decisions thereon of the United States Tariff Commission and the President, import and export quotas, monetary licenses, countervailing duties, and procurement preferences;

(C) Departments, agencies, boards, commissions, bureaus, and other instrumentalities of the United States having jurisdiction over, or dealing with, these matters;

(D) Laws, regulations, and practices and official instrumentalities of other nations concerned with similar subject matters;

(E) Pertinent statistics on international trade; and

(F) Balance of payments, nation by nation; and the causes and effects of, and proposed remedies for, excessive imbalances.

(2) Relationship of our foreign economic policies to, and their influences on, our total foreign policy; and the proper relationship of each to the other.

(3) Effect of our foreign aid and military defense programs on international trade and international balance of payments.

(4) Foreign markets of trading nations—extent and nature; and the effect thereon of wars, other emergencies, technological advances, international relations, and other pertinent factors.

(5) International instrumentalities, organizations, and agreements and practices affecting trade, such as the General Agreement on Tariffs and Trade, Customs Unions, Organization for European Economic Cooperation, International Wheat Agreement, cartels, European Payments Union, European Coal and Steel Community, and International Monetary Fund.

(6) Foreign investment capital and the flow of investment capital between nations—need thereof—restrictions thereon—inducements necessary to encourage—role of the Export-Import Bank and of the International Bank for Reconstruction and Development.

(7) Effects on international trade of factors such as costs of production and pricing, labor practices and standards, general living standards, currency manipulation, inconvertible currencies, official inflationary policies, currency devaluations, exchange controls and licenses, quotas, embargoes, dumping and pricing practices, multiple currencies, bilateral trade agreements, barter arrangements, customs procedures, marking and transit problems, concealed regulation of exports and imports, preferential tariff systems,

most-favored nation treatment, government monopolies, state-controlled economies, state trading, and state-subsidized trading.

(8) Effect of existing and proposed trade policies on the promotion of peace and security and the betterment of political, social, and economic life, domestic and foreign.

SEC. 310. POWERS OF THE COMMISSION.

(a) **HEARINGS AND SESSIONS.**—The Commission or, on the authorization of the Commission, any subcommittee or member thereof, shall have power to hold hearings and to sit and act at such times and places, within the United States or elsewhere, to take such testimony, and to make such lawful expenditures, as the Commission or such subcommittee or member may deem advisable.

(b) **OBTAINING OFFICIAL DATA.**—The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information it deems necessary to carry out its functions under this title; and each such department, agency, and instrumentality is authorized to furnish such information to the Commission, upon request made by the Chairman or by the Vice Chairman when acting as Chairman.

[CUSTOMS SIMPLIFICATION ACT OF 1953: Public Law 243 (83d Congress, 1st Session), August 8, 1953]¹

3. REPORT BY THE COMMISSION ON FOREIGN ECONOMIC POLICY (RANDALL REPORT), JANUARY 23, 1954 (Excerpts)²

INTRODUCTION

As directed by the Act of Congress under which our work has been undertaken,³ and guided by a sense of heavy responsibility, the members of the Commission on Foreign Economic Policy have endeavored faithfully to re-examine the international relationships of the United States in the economic field, as they bear upon the soundness of our domestic economy and the security of our citizens.

Dominating our thinking throughout, has been the sobering realization that the policies pursued and the actions taken by the United States in respect to foreign economic policy profoundly influence the

¹ 67 Stat. 507.

² H. Doc. 290, 83d Cong., 2d sess. Individual statements, as well as the minority report of Representatives Daniel A. Reed and Richard M. Simpson, have been omitted from this selection. The Commission was made up of the following members: Clarence B. Randall (Chairman), Lamar Fleming, Jr. (Vice Chairman), Senators Eugene D. Millikin, Bourke B. Hickenlooper, Prescott Bush, Walter F. George, and Harry F. Byrd, Representatives Daniel A. Reed, Richard M. Simpson, John M. Vorys, Jere Cooper, and Laurie C. Battle, and David J. McDonald, Cola G. Parker, Jesse W. Tapp, John Hay Whitney, and John H. Williams (the five last-named being appointed by the President).

³ The Trade Agreements Extension Act of 1953; *supra*.

destinies of all of the peoples of the world. Our Nation bears an awesome responsibility of world leadership. Though not of our seeking, it is one that we may be fated to bear for a long time to come. If we bear it with understanding, courage, and honor, we can make incalculable contributions to the cause of peace and the advancement of human welfare.

In our discharge of this responsibility, we shall find at times that our views will differ from those held by other free peoples. On such occasions we must display forbearance, but never falter in the high quality of our leadership.

Nor can we forget that the security and well-being of our own citizens are constantly at stake as we take significant steps in foreign economic policy, though the effects of such decisions may at times seem remote to the individual, or difficult of evaluation.

The responsibility which rests upon the President and the Congress to make wise decisions, and to take them promptly, is grave indeed.

How then shall our Government determine what is wise in the field of foreign economic policy?

Ours is clearly one of the most dynamic, the most resilient, the most creative economies in the world. Never has it seemed more powerful than it is today. What, therefore, could be wiser than to determine what are the sources of that strength, and then to build upon these as we play our part in the international economy?

The strength of our domestic economy requires adherence to three fundamental principles:

1. The freest possible opportunity for the development of individual talents and initiative in the utilization of private resources and through the free association of workers.

2. The maintenance of vigorous, but fair, competition.

3. The maintenance of a broad free market for goods and services.

Our primary reliance should therefore be upon the incentives of the free enterprise system, the stimulating effects of competition, and the stabilizing influence of free markets.

In moving toward a fresh release of these expansive forces, here and abroad, we must not expect to repeal history. The present fabric of our laws, the obligations which we have assumed under the necessities of national defense, the customs and traditions of our people, the basic protective standards of our laws that safeguard wages, commerce, industry, and agriculture, must all be respected. Where changes are required they must be embarked upon gradually, with every precaution possible taken to avoid dislocations in our present systems of production, and distress to individual citizens.

Changes when made must take us toward recognizable goals. We must know what we are seeking to achieve and advance steadily and intelligently toward those known objectives. We must avoid the instability of the improvised.

Boldness will be required. We have outgrown some former practices.

The larger interests of all our people must at all times be our standard of conduct.

Responsible behavior on our part, moreover, requires that we recognize our own limitations and restrict our commitments to our capabilities. Our first obligation to the world, as well as to ourselves, is to keep the United States strong. Only from that firm base shall we be able intelligently and worthily to measure up to our great responsibility in world leadership.

That from our own resources we have already poured out vast sums to help reconstruct a war-torn world, and to further our own security, is common knowledge. But the extent to which there still exists a serious distortion in our economic relationships with the rest of the world is not so clearly understood.

Basic, therefore, to any survey of our foreign economic problems is an analysis of the so-called dollar gap.

THE POSTWAR DOLLAR PROBLEM

During the period 1946 through 1953, the United States transferred to the rest of the world through gifts and loans \$33 billion of goods and services, exclusive of military items. This total was equal to more than one-fourth of all American exports. The fact that after so large a program of assistance, carried out over so long a period, the rest of the world still finds it necessary to maintain drastic restrictions on trade and payment, directed particularly against this country, indicates strikingly the gravity of the world's dollar problem.

The average world dollar deficit of \$4 billion a year covers up large and significant fluctuations as well as a declining trend. In 1947, before the Marshall plan began, the deficit reached a peak of \$11 billion, which was reduced by almost one-half in the first 2 years of the Marshall plan. The first impact of the Korean war was greatly to reduce the deficit, to somewhat more than \$1 billion in 1950, owing largely to our heavy buying of raw materials and other goods and services from abroad. But in 1951 the pendulum swung the other way, as the European countries felt the impact of the previous great rise of raw material prices as compared with the pre-Korean level, while the raw materials exporting countries, once the buying rush had subsided, felt the effects of the shrinkage in the volume and value of their exports. In the past two years there has again been a marked improvement. For the first time since the war our foreign trade, exclusive of military exports, has come into balance; and foreign gold and dollar reserves have increased at a rate that is currently running at well over \$2 billion per year.

Of major importance for this report is the interpretation of this current improvement. There is a disposition in some quarters to conclude that the world's dollar problem has at length been solved. This conclusion gains plausibility from the fact that, with some important exceptions, the Western European countries have been making substantial economic progress. Their industrial production is now much above prewar; foreign trade, both within Western Europe and with the outside world, is also much above prewar; the internal financial situation in most of the countries has much improved and inflation

has been checked; direct internal controls have been removed or relaxed and, again with some exceptions, general monetary and fiscal controls have been more effectively applied. Finally, through the Organization for European Economic Cooperation, significant headway has been made toward liberalizing trade and widening the area of multilateral trade and payment, both within Western Europe and with its overseas trading areas.

This is an impressive record, and this Commission feels confidence in its conclusion that genuine progress has been made toward establishing the conditions in which multilateral trade and payment may be made worldwide, and the dollar deficit removed, not primarily through trade and payment restrictions but in a relatively free market. But it is the Commission's view that much yet remains to be accomplished before a dependable and durable solution of the dollar problem can be achieved.

In interpreting the current improvement, account must be taken of a number of facts. It has been accompanied by a favorable change for Western Europe in the "terms of trade"—a decline of import prices relative to export prices—due largely to the decline of raw materials prices from the high level created by the outbreak of the Korean war. Europe's terms of trade have worsened since before World War II owing, basically, to the large growth of world industrial output since prewar and to the relatively small growth of production of raw materials and food, due in part to the urge of the primary producing countries to industrialize and diversify their economies. Looking to the future, there will be a major problem of developing the raw materials needed by the continuing industrial expansion; and though in the end this may prove one of the main ways of achieving a solution of the problem of world trade imbalance, it suggests also that for a long time to come the terms of trade may continue to be one of the chief problems. Here, clearly, is an area of international policy which should command our most serious attention.

Other uncertainties arise from the fact that, owing to the direct restriction abroad of dollar imports, the potential demand for dollar goods and services, in a free market and with convertible currencies, could substantially exceed the present restricted demand. There is the further fact that the recent high level of American imports, relative to earlier years, has been closely linked with the high level of our gross national product. Experience has shown that our imports are very sensitive to our level of national income, and that any contraction here has a multiplied effect in reducing foreign exports to this country.

There is, furthermore, an element of illusion in the present apparent balanced position of our trade (apart from military exports), in that large "extraordinary" dollar expenditures are still being made by the United States in other countries. As of the end of 1953 these were running at an annual rate of about \$3 billion. These extraordinary expenditures consist of disbursements by our military and civilian establishments abroad, offshore procurement, and stockpiling. If economic aid is also included, the total of extraordinary

expenditures, as of the end of 1953, was running at about the rate of \$5 billion per year. Against this total should be credited the current increase of foreign gold and dollar reserves which is running at a rate of over \$2 billion per year. There is thus a concealed dollar gap of some \$2 billion to \$3 billion annually, which would be increased if there were a change in the economic situation, such as a recession here or a deterioration in Western Europe's terms of trade. On the other hand, it should be recognized that major parts of our "extraordinary" expenditures abroad are connected with our defense effort, and that the Western European countries' own defense programs affect adversely their trade position, by increasing their essential imports and by absorbing resources that would otherwise be available for expanding their exports.

Surveying the postwar experience as a whole, the Commission believes, as already stated, that much remains to be done to achieve a dependable international balance. It believes that the problem must be attacked on many fronts and that too much dependence should not be placed on any one line of attack. There is no single or simple solution. The final solution will probably depend even more upon the efforts of other countries than upon our own. It will involve their continuing internal efforts to achieve sound and strong economies and their external efforts to correct their international imbalance.

This report, however, is primarily concerned with the steps that this country can take toward solving the world's dollar problem, steps that will be consistent with our own political, economic, and security interests. Or, to employ the language of the statute under which this Commission was organized, this report must deal with the enlargement of international trade in a manner consistent with a sound domestic economy.

FOREIGN AID AND TECHNICAL ASSISTANCE

The dollar problem has its source in basic maladjustments within the international economy that were caused by World War II and the following political disturbances. Our large foreign aid programs, which were directed toward the rapid restoration of economic and political stability within the free world, and the rebuilding of the military strength of our allies, dealt with these maladjustments on an emergency basis only.

That period has passed. The fundamental causes of the world's economic problems must now be analyzed, and solutions sought in the fields of investment, trade, and foreign exchange policies.

Before these other fields can be surveyed intelligently, however, our foreign aid must be reviewed, and its future role determined.

ECONOMIC AND MILITARY AID

From the end of the war through June 1953, United States expenditures in the form of grants and loans to other countries amounted to \$41.7 billion after taking into account loan repayments and other

returns. Of this, \$33 billion was economic aid and \$8.7 billion military aid. In addition, on June 30, 1953, \$7.9 billion of mutual security funds had been obligated but not spent, and \$0.9 billion of Export-Import Bank funds were committed to various countries but not disbursed. Since fiscal 1949 economic aid has been declining, and since fiscal 1951 military aid has been increasing. A further \$7.3 billion has been made available for all purposes for fiscal 1954, of which \$5.3 billion or 73 percent is military aid, and \$2 billion or 27 percent is economic aid. (See table.)¹

Had such aid not been given, friendly countries would have been forced to restrict their purchases of American goods and services to such a degree that economic and political chaos might well have ensued abroad. With the additional resources which American aid placed at their disposal, they were able to maintain politically tolerable levels of consumption; to carry out programs of reconstruction and development needed to restore their overall levels of production, and gradually to reduce their dependence on our assistance; and after June 1950, to speed up their rearmament programs in the interests of the common defense of the free world. In many countries the most important economic objectives for which American economic aid has been extended in the past have been achieved, or nearly so.

The Commission is reluctant to make suggestions that would affect programs now in operation, or commitments already made. We note, however, that the \$7.3 billion available now for present programs and commitments will be spent over a period of years. In planning future programs based on future appropriations the following comments and recommendations are offered.

. . . : : :

The Commission recommends that economic aid on a grant basis should be terminated as soon as possible. No further aid is justified unless it contributes to the security of the United States. Our security involves defense against communist aggression or infiltration here and all over the free world. The greatest expenditures are now for military defense, but our security must take into account many political and economic considerations. The security of the United States is bound up with that of the free world.

. . . : : :

The United States is now giving economic aid to several countries which do not have the economic capacity to maintain the military effort that is deemed essential by the NATO Council and by our Government to deter aggression. Among these countries are Greece, Turkey, Spain, and Yugoslavia in Europe, and Indochina and Formosa in the Far East. It is also extending very large scale economic aid to France to enable France to increase its military effort to bring the war in Indochina to a successful conclusion, and small amounts to the United Kingdom, Italy, and Germany (Berlin) for special

¹ The table entitled "Foreign Aid Made Available for Fiscal Year 1954" which appears on page 7 of the report is not reprinted here.

purposes. This aid has been given the new name of "defense support" or "mutual defense financing." The distinction between military and economic aid is blurred by the use of such terms in a way which the Commission believes is undesirable. Though "defense support" is defended first and foremost as a means of preventing an undesirable reduction in the defense effort, it also serves all the economic ends which have been advanced in justification of economic aid in the past. It is a form of economic aid and should be so denominated.

General support is also being given to the economies of our European allies, including the United Kingdom, through offshore procurement—that is, the purchase of military items in a foreign country for transfer to the same country or to other foreign countries as military aid. The Commission recognizes that, from an economic point of view, offshore procurement has certain advantages as compared to grant aid such as was given under the European Recovery Program. If so administered as to encourage an increase of productive capacity on a competitive basis, it may be a step toward a solution of Europe's remaining dollar problem. The primary purpose of offshore procurement, however, is military. *For the military purpose of offshore procurement to be served effectively, the Commission recommends that contracts for the production of military equipment be placed abroad on the basis of the considerations of cost, availability, and quality of the items purchased that govern effective procurement policy at home, or on broad strategic judgments concerning the character and location of the military production base on which the success of the joint defense effort depends. The offshore procurement program should not be used as a form of general economic aid.*

Our foreign aid programs up to the present have been carried on by a combination of grants, loans, and guaranties, with overwhelming emphasis on grants which have been decreasing for economic purposes and increasing for military purposes. At present, as the need for economic aid for postwar recovery disappears, demands are increasing for general economic aid unconnected with recovery from war or preparation for defense. Underdeveloped areas are claiming a right to economic aid from the United States, in proposals in the United Nations and the Interparliamentary Union. We recognize no such right.

In Europe, with the exceptions previously mentioned, there now appears to be no need for further economic aid in the form of grants. This is a source of satisfaction to our European allies who are as anxious as we are to terminate the giver and receiver relationship.

In other sections of this report the Commission recommends steps that should be taken to assist underdeveloped countries in obtaining an adequate flow of capital from the United States without resort to grants-in-aid. In cases where our security is importantly involved, the Commission believes that moderate grants-in-aid may serve the national interest of the United States.

The Commission recommends further that where support is needed to maintain military forces or to conduct military operations connected

with our own security beyond the economic capacity of a country to sustain, grants should be made, not loans.

In other cases where substantial economic aid is necessary in the interest of the United States but cannot be obtained from private or international sources, loans should be made, not grants.

TECHNICAL ASSISTANCE

The Commission does not include within economic aid what is often called "technical assistance."

The United States is now engaged in bilateral programs of technical cooperation in 38 countries for which about \$120 million has been made available this year. These programs are undertaken only at the request of the host government. They are operated on a share-the-cost basis and they are intended eventually to be taken over completely by the host governments. The United States also participates in the United Nations Expanded Program of Technical Assistance, operating on a budget of about \$21 million to which it contributes about 60 percent, and in the smaller program of the Organization of American States.

All these are essentially programs of education and training in the knowledge and techniques required for economic development, including the administrative skills needed to create and manage institutions which are indispensable for such development.

The Commission recommends that within the limits imposed by congressional appropriations, the need for selecting only sound projects, the availability of trained technicians, and good administration, the technical cooperation program be pressed forward vigorously. It need not and should not become a "big money" program and should not involve capital investments.

The Commission also recommends that the United States continue its support of the United Nations Expanded Technical Assistance Program and the small program of the Organization of American States, through which the technical skills of many countries can be better mobilized and some dependent area and regional problems can be more effectively approached than through bilateral programs.

The Commission attaches special importance to the strengthening of the technical assistance work of the United Nations. It believes, however, that no country should contribute as much as 60 percent of the financing of this worldwide cooperative effort. It believes that some expansion of this program would be desirable, but that the United States percentage share in the cost should be reduced.

The Commission wishes to stress the great potential importance of the technical assistance programs in contributing to improved standards of living in countries with half the world population, in counteracting communist influence, and in helping to solve the problems of trade and investment dealt with elsewhere in this report.

All American military, economic, and technical aid to other countries is rooted in the national interest of the United States. Such aid is acceptable to other countries only if it also serves their national interests. The fundamental basis on which all foreign aid operations should rest, therefore, is mutual interest. Mutual interest cannot be created by pressure and can be destroyed by coercion. Foreign aid, therefore, should not become an instrument of coercion, and the fixing of conditions on which it is extended should be limited by this principle.

UNITED STATES FOREIGN INVESTMENT

In considering the enlargement of international trade in a manner consistent with a sound domestic economy, and our foreign economic policy, no subject could be more urgent than an examination of the problems having to do with the flow of investment capital to those areas in the free world where it is most needed.

Fortunately, the economic welfare of the United States would itself be directly promoted by an increased movement abroad of sound investment by United States nationals and corporations. Such a flow, if well conceived and directed, would not only contribute to an increase in international trade, but would assist in the maintenance of high levels of economic activity and employment within our own country. It can increase our national income by taking advantage of opportunities for more profitable investment. It can aid in the development abroad of primary resources to meet the ever-increasing civilian and defense needs of the United States and the free world. And, since private United States investment usually carries with it management and technical skills, it can contribute strongly to the economic development of foreign countries.

Such an increased flow of private investment abroad can also assist in attaining United States foreign policy objectives through strengthening the economy of the free world, and can reduce the burden of military aid by increasing productivity abroad.

During the period 1948-52, United States private long-term investment abroad increased at an average annual rate of \$1.5 billion. Of this total, additions to holdings of foreign securities by private individuals and financial institutions accounted for only \$200 million per year, mostly in investments in Canada or in securities of the International Bank for Reconstruction and Development. The remaining \$1.3 billion per year was about equally divided between net new direct investments abroad of American corporations and reinvestment of earnings from their foreign operations.

During the same period, the value of United States Government foreign loans outstanding increased at an average annual rate of \$500 million. Repayments on old loans now nearly equal new lending. Disbursements by the International Bank averaged \$139 million per year during the period.

United States investment abroad has not increased as rapidly as

anticipated at the end of the war, and the United States has not achieved all of the benefits which might have resulted from an expanded volume of wise foreign investment.

THE CONDITIONS CONDUCIVE TO PRIVATE INVESTMENT ABROAD

The small flow of private investment abroad may be attributed to the concern of potential investors over the general political, economic, and military uncertainties abroad, as well as over other aspects of the "climate" for investment in particular countries. Many of the deterrents can be overcome only gradually. Countries desiring to attract capital must provide a secure legal status for private capital and enterprise, domestic as well as foreign. United States investors can hardly be expected to venture into countries and fields which local capital and enterprise consider unattractive or insecure. On the other hand, United States investors will venture into areas of political and economic stability which provide fair and equitable treatment and with it an opportunity for reasonable profit and assurance of remitting earnings.

There are various types of action which the United States Government can take to encourage the flow of private investment abroad.

The Government can and should give full diplomatic support to the acceptance and understanding abroad of the principles underlying the creation of a climate conducive to private foreign investment. This requires better coordination of policy and action by the various United States agencies and representatives in the field of foreign economic policy, and, in particular, a clear formulation of the Government's position with respect to private investment abroad, stressing support of the private enterprise system and the interests of United States investors.

To some extent the general climate and legal environment for private investment may also be improved through the negotiation of international treaties relating to foreign investment. Although it must be recognized that such treaties more often record the existence of a favorable climate than create it, the discussions which take place in the attempt of two governments to reach agreement may in themselves be beneficial. *The United States Government should continue to use the treaty approach to establish common rules on the fair treatment of foreign investment.* Negotiations should be undertaken first with like-minded countries, and gradually be extended as additional countries become convinced of the desirability of a friendly attitude toward private enterprise.

The United States Government also can remove uncertainties in its own policies which affect foreign investment.

One uncertainty relates to the application of United States antitrust laws to operations abroad. *United States antitrust policies should be restated in a manner which would clearly acknowledge the right of each country to regulate trade within its own borders. At the same time it should be made clear that foreign laws or established business practices which encourage restrictive price, production, or marketing*

arrangements will limit the willingness of United States businessmen to invest abroad and will reduce the benefits of investment from abroad to the economies of the host countries.

Another source of uncertainty which affects the willingness of foreign countries to accept private capital from abroad relates to United States policy in the field of public financing. *The United States Government should make clear that primary reliance must be placed on private investment to undertake the job of assisting in economic development abroad. It should point out that United States resources for public loans are limited and inadequate in relation to total investment needs, and that public lending or other forms of public financing will not be a substitute for private investment.*

In addition to these general activities in the field of diplomatic and foreign policy, there are two specific areas in which the Government can take action to encourage the flow of private investment abroad. It can provide an inducement to foreign investment by removing certain United States tax burdens and inequities. It can mitigate, or remove, certain risks peculiar to foreign investment by providing Government guaranties or insurance not available from commercial sources.

UNITED STATES TAXATION AND INVESTMENT ABROAD

The nature of United States taxation of income earned outside the country is an important determinant of the flow of United States private investment abroad. At present, income from foreign investments is taxed at the same rates as income from investments within the United States. An attempt is made to avoid double taxation by allowing the taxpayer to credit certain of his foreign taxes against his domestic tax bill. However, the existing restrictions on the use of the foreign tax credit may prevent the taxpayer from offsetting in full the appropriate foreign taxes which he has paid.

As a result of this system of taxation the United States investor abroad is placed at a disadvantage in competition with international investors from other nations which levy little or no tax on income earned abroad. Furthermore, United States tax policy serves to offset any tax reductions by which foreign governments might seek to attract investment from the United States. United States tax laws may even result in pressure on foreign governments to adopt income taxes or to increase their income tax rates.

A study of these considerations leads the Commission to recommend three revisions in the Revenue Code.

(1) RATE REDUCTION

The Commission recommends that there be a reduction in the corporate tax rate by at least 14 percentage points on income from investment abroad. As a result of such reductions, when the tax rates of a foreign country are not in excess of the reduced United States rates, the taxes of a corporation previously paying taxes at a 52 percent

rate would be reduced to 38 percent on income from investment in that country. The existing reduction in the taxation of the income of a Western Hemisphere Trade Corporation amounts to 14 percentage points, but this reduction is now too limited in some respects and too broad in others. The Commission recommends that the lower corporate tax rate be made to apply to investment income from all areas abroad; but the reduced rate should not apply to income from exports which do not involve the risks of investment abroad.

The Commission believes that in many instances investments abroad by United States citizens and investment trusts also deserve encouragement. Such investors now pay the full United States rates of tax on income from investments in those same countries in which it is recommended that investment be encouraged by a tax reduction for United States corporations. The Commission recognizes that it is a far more difficult task of tax legislation to draft equitable tax incentives to apply to individuals, with their varying tax rates, than it is to provide fair tax incentives to corporate investors. Nonetheless the Commission recommends that the Congress seek to provide to individuals who invest abroad—by means of a rate reduction, a foreign tax credit, or some other device—preferential tax treatment . . . comparable to that already recommended for corporate investors.

(2) REMOVAL OF CERTAIN RESTRICTIONS ON FOREIGN TAX CREDITS.

The Commission recommends that the Congress remove several restrictions which now prevent a person who invests abroad from offsetting in full against his domestic tax the appropriate foreign taxes. Investment abroad is discouraged since these restrictions impose a higher total tax on income from foreign investments than on income from investment at home.

(a) Under present law a United States corporation owning 10 percent or more of the voting stock of a foreign corporation may credit against its United States tax on the dividends received from the foreign corporation a proportionate share of the foreign income taxes paid by the foreign corporation on the earnings from which the dividend was distributed. This 10 percent ownership requirement should be reduced or eliminated if satisfactory administrative standards can be devised for dealing with smaller holdings. Under present law an individual investor can credit foreign taxes which are imposed directly on his income from abroad. The individual investor can, for example, credit the 15 percent Canadian withholding tax on dividends paid to a United States investor. This credit is lost, however, when the United States citizen invests through an investment trust. Provision should be made for the investment trusts, not only to receive, but to pass on to the individual shareholder the credit for foreign taxes available to individual investors.

(b) The foreign tax credits are also limited to income taxes and to taxes in lieu of a tax on income. This requirement that the foreign country have a general income tax to which the investor would be subject in the absence of a special provision applicable to him has clearly been

too restrictive. The interpretation of what taxes are in lieu of income taxes should be liberalized in this and other respects.

(c) The Commission recommends further that the "over-all" limitation on foreign tax credits be eliminated. This limitation requires losses in one foreign country to be set off against income from another in determining the total of foreign income which can justify a tax credit. This limitation, by reducing the foreign tax credit, deprives the taxpayer of the full tax benefit of foreign losses so long as he has offsetting foreign income. The limitation is a serious deterrent to the commencement of operations in a new foreign country by a taxpayer having profitable operations in other foreign countries.

(3) THE CHOICE OF FORM OF INVESTMENT ABROAD.

In the view of the Commission, United States tax law should not penalize investors for adopting the form of organization dictated by local laws or business conditions abroad. In order to reduce the possibility of such penalties the Commission recommends that a United States corporation be allowed the option of treating any direct foreign investment either as a branch or a subsidiary for United States tax purposes, regardless of which of the two forms of organization is actually chosen for operations abroad. The choice of treatment for tax purposes should be binding, however, until for good cause the United States Treasury allows a change.

GOVERNMENT GUARANTY OF PRIVATE INVESTMENT ABROAD

For the last few years the United States Government has offered to guarantee approved United States private investments in certain countries, mainly in Europe, against loss from exchange inconvertibility or expropriation. This guaranty, or insurance, program was introduced in the hope that it would reduce the need for foreign aid expenditures. To date the program has not greatly stimulated private investment abroad. Coverage has been given to only \$41 million of new investment. Thus far the Government has not been required to pay out on any policy and nearly \$1 million has been earned in the form of fees.

The Commission considers that the present experimental program has not proved itself. On the other hand, a number of potential investors continue to show interest in the guaranty device. Many investors have suggested that the program would be more conducive to additional investment abroad if it were extended in some areas to cover the risks of war, revolution, and insurrection. To the Commission, such risks actually seem to be the most appropriate risks of all for Government insurance. *The Commission therefore recommends that the program of guaranties against expropriation or inconvertibility of exchange be given a further period of trial and that during this period*

guaranty coverage on a discretionary basis be authorized for the risks of war, revolution, and insurrection on new investments abroad.

THE ROLE OF PUBLIC LENDING

Although the United States Government should place primary reliance on private enterprise and investment to assist in economic development abroad, there are special circumstances in which United States economic and foreign policy objectives can be served by public lending. Loans by the Export-Import Bank have been made to expand the foreign production of raw materials needed for defense purposes. In order to achieve vital foreign policy objectives in certain areas, the Export-Import Bank has made loans for such purposes as reconstruction of earthquake damage in Ecuador, and for helping countries to adjust to political developments favorable to United States interests, as exemplified by the loan to Yugoslavia following that country's break with the U. S. S. R. The Export-Import Bank has also made loans for the general economic development of foreign countries where such loans supported the special national interests of the United States.

The expansion of basic facilities, such as transportation, harbors, and irrigation, is frequently essential for a balanced growth of the less developed countries, most of which lack the capital required to finance projects of this type. Loans by the Export-Import Bank and the International Bank for Reconstruction and Development to finance such basic facilities are often a necessary condition for increased private foreign investment in raw materials, manufacturing, and distribution—fields which are more attractive to private foreign investors. Wherever possible, such loans should be made to private enterprise abroad, and foreign public lending should not encourage the displacement of private by public operations. It should also be emphasized that public lending should not compete with, or displace, private foreign investment, including private loans to foreign borrowers, and this principle should be made abundantly clear to prospective borrowers.

ROLES OF THE INTERNATIONAL BANK AND THE EXPORT-IMPORT BANK

The Export-Import Bank is essentially an instrument of United States foreign policy. The International Bank for Reconstruction and Development, on the other hand, promotes the interests of the United States broadly in the field of foreign economic development. The record does not indicate that there has been harmful competition or duplication in the operations of the two banks. The Congress, in the Bretton Woods Act of 1945, established the National Advisory Council on International Monetary and Financial Problems to coordinate the policies of the Export-Import Bank with the activities of the United States representatives on the board of the International Bank. This machinery should be employed to resolve any issues between the two banks.

The International Bank has demonstrated its capacity to apply banking principles in the field of public lending, and plays a useful role in the achievement of the vital objectives of increasing trade and raising living standards in the free world. On the other hand, the national interests of the United States may require the making of certain loans by the Export-Import Bank, which the International Bank will not make because of its charter limitations or for other reasons. For example, the Export-Import Bank can make loans to private United States or foreign investors operating abroad without a foreign government guaranty; the International Bank can make loans only to member governments or to residents of member countries with the guaranty of the member government.

While it is believed that the Export-Import Bank should continue to make loans which are in the special interest of the United States, the Bank should not use its own funds for loans which do not meet reasonable standards of bankability. In general, loans which do not meet reasonable financial standards are likely to create serious administrative difficulties by setting up dual standards for the treatment of international obligations. Nevertheless, in cases where there is an urgent political need for foreign financial assistance to a country whose capacity to service additional loans is doubtful, and where such assistance is deemed by the Congress to be more appropriate on a loan rather than a grant basis, special funds should be authorized for such purposes.

FOREIGN INVESTMENT AND ECONOMIC STABILITY

United States investment abroad, public and private, provides additional markets for United States exports. The financing of exports by public loans has been, and can be, helpful, not only in maintaining domestic production and employment when domestic demand falls off, but also in assisting foreign countries in procuring the United States goods necessary to their growth. The financing of exports by short-term loans from the Export-Import Bank may provide a stimulus to exports. Long-term loans for carefully selected development projects not only will increase United States exports, but are also likely to create a better international balance by assisting foreign countries in expanding their capacity to export to the United States and to third countries.

International balance may also be affected by the pattern of total United States capital outflow. Because of the large United States Government loans made immediately following World War II, repayments on old loans from this source are now running at a rate of about \$400 million annually, plus another \$230 million in interest payments. United States Government lending is now little more than sufficient to offset the repayment of principal on old loans. Direct private investment, on the other hand, has been reasonably stable over the past few years. Any sharp decline in the total flow of investment abroad would create severe problems of adjustment in American ex-

port industries and in the development programs of the other nations of the free world. Moreover, a rapid fall in United States foreign investment, such as occurred during the period 1928-33, would inevitably put a strain on the balance of payments position of other countries and might lead to a tightening of trade and exchange restrictions or defaults on foreign obligations.

PROBLEMS OF AGRICULTURE AND RAW MATERIALS

IMPORTANCE OF INTERNATIONAL TRADE TO AGRICULTURE

Foreign handicaps to the free flow of international trade such as inconvertible currencies, exchange controls, import quotas, and special import licenses exert a depressing influence upon the exports of farm products from the United States, especially when such products are available from nondollar areas. American farmers therefore have a keen interest in measures which will reduce or eliminate such discrimination against the free movement of United States farm products into world markets.

Export markets are of vital importance for our great staple farm products such as cotton, wheat, tobacco, rice, and soybeans. In recent years one-third of our wheat, 40 percent of our cotton and rice, and one-fourth of our tobacco and soybeans have been exported. Such export markets are also important to the producers of fresh and dried fruits, dry beans and peas, condensed, evaporated, and dried milk, and a considerable list of other products. In all, farm products representing about 30 percent of the value of farm marketings in 1952 were dependent to a highly important degree upon export markets.

It would be unrealistic to expect the total volume of our farm product exports to continue at the level attained during the period of post-war reconstruction, when foreign supplies of such products were limited as a result of the war and when large United States foreign aid expenditures were financing a large fraction of such exports from the United States. In order to minimize the repercussions on agriculture of any inevitable decline in farm exports, however, it is important to take such steps as can be taken to maximize a continuing flow of United States farm products into world markets. Failure to do so would adversely affect not only those segments of agriculture directly concerned with export markets but also, as a result of the diversion of resources from these to other farm enterprises, other segments of our farm economy. The prospect of such repercussions is already evident in the shift of wheat and cotton acreages to other farm enterprises for the 1954 harvest, as a result of the curtailment of these crops that has been ordered, partly in view of the decline in exports of wheat and cotton during 1952-53.

CONFLICT BETWEEN FARM POLICIES AND ENLARGEMENT OF
INTERNATIONAL TRADE

In the opinion of the Commission, it is necessary to harmonize our agricultural and foreign economic policies without sacrificing the sound objectives of either.

The inherent conflict is not between foreign trade policy and farm policy as such, but rather between foreign trade policy and the means by which an important phase of our farm policy is being implemented. To put the matter boldly, it is necessary to emphasize that inflexible *price-support* programs which hold domestic prices above world prices become *price-fixing* programs and result in accumulations of surpluses that would otherwise have moved into consumption here or abroad. To maintain such *price-fixing* programs it may become necessary for the United States to apply trade restrictions of various kinds, including import quotas, to keep down foreign importations. To move high-priced surpluses into export markets it may seem necessary to use export subsidies or dumping procedures that, if practiced with respect to imports into this country, would involve the application of our antidumping and countervailing-duty laws. Price-fixing, particularly with reference to commodities moving in international trade, is inherently incompatible with a pattern of private trade, free enterprise, and nondiscriminatory commerce among nations.

The International Wheat Agreement¹ has contributed little to the solution of wheat problems of the United States and the world at large. Its chief significance has been to accord official sanction, on the part of the participating nations, to United States export subsidization of the United States quota when nonquota export prices were at or above the agreed maximum. At heavy expense to the United States Treasury, this has contributed to the persistence of excessive domestic support prices, which have given undue stimulus to wheat production here and abroad, and has tended to obstruct, rather than to facilitate, normal readjustments in United States agriculture, and to lead to abnormal accumulation of stocks of wheat. In the current season, when export prices are below the agreed maximum, the importing countries are relieved of their obligation to purchase wheat unless the prices drop below the agreed minimum level. Furthermore, the most important importing country is no longer a party to the agreement. Under these circumstances the significance of the agreement in relation to our wheat export problem is relatively slight.

Restrictions on our imports of certain farm products, for the purpose of protecting domestic price-fixing programs on such products at prices above world levels, can and do lead to retaliatory measures

¹ For the full text of the International Wheat Agreement, open for signature Apr. 13-27, 1953, see TIAS 2799 (4 UST 944).

which hurt other segments of agriculture which are dependent upon export outlets and a favorable climate for foreign trade.

If to a scheme of fixed prices in agriculture are added the inevitable implementing devices of production quotas, import controls, and export subsidies, the ability of agriculture to play a continuing dynamic role in expanding international trade will be largely lost. This would be a serious loss, not only to agriculture, but to our entire economy and to the productivity of the free world. Furthermore, the repercussions from the standpoint of the trading policies of our friends and allies of the free world would be to the detriment of all concerned.

STEPS TOWARD RECONCILIATION OF FARM AND TRADE POLICIES

The first step toward policy reconciliation in the fields of foreign economic and domestic agricultural policies must of necessity be a delineation by the Congress and the administrative agencies concerned of a consistent pattern of policies and procedures which will permit the achievement of the objectives of both our agricultural and our foreign economic policies. The transition to this new pattern will require time, particularly in view of the existing accumulations (in actual or potential government ownership) of substantial quantities of several farm products for which foreign markets are urgently needed in the not too distant future. The potential international complications which keep arising over import quotas or embargoes, import fees additional to tariff rates, and export subsidies on a small or large scale, undertaken in consequence of domestic agricultural programs, bid fair to reach an unprecedented peak in the fiscal year 1954, as large stocks of farm products are being acquired. The transitional problems are difficult but not insoluble.

During the transitional period it will be necessary to take every precaution to avoid steps which may lead toward an increase in actual or virtual state trading, lest a pattern of such conduct, seemingly forced by the circumstances of the moment, becomes established as permanent policy. Also, if we are to succeed in moving toward a lessened use of such devices as export subsidies and import quotas, it would be desirable to continue the policy and extend the practice of consulting with interested and affected countries, for the purpose of seeing that such actions of this character as may be required by present law be modified to the extent necessary to ensure that we do not provoke a self-defeating chain of offsetting actions by other countries.

The International Wheat Council may constitute a useful body for international consultations on current wheat problems, although this value is limited by the absence of certain nations that are important as importing or exporting countries. *The Commission recommends that during the life of the 1953 International Wheat Agreement its operation be kept under critical review, that efforts be made to make the organization contribute its maximum to solving pressing problems, and that its termination in 1956 be given consideration.*

In the application of import restrictions on farm products, the level of those restrictions should be set with full regard for the effects on overseas buying power and the possibility that such restrictions may lead to retaliation and may be self-defeating.

The temptation to resort to short-run expedients as easy remedies is great, and, in fact, a number of interim measures must be used. But it is important to agriculture, and to the national interest, that these interim measures be consistent with the long-term objective, and that they hasten rather than hinder the achievement of this goal.

The Commission believes that a dynamic foreign economic policy as it relates to agriculture cannot be built out of a maze of restrictive devices such as inflexible price-support programs which result in fixed prices, open or concealed export subsidies, import quotas at home and abroad, excessive use of tariffs here and abroad, exchange restrictions, and state trading. If we are to have a foreign economic policy which will make its best contribution to the strengthening of our long-term development of foreign markets for farmers, we must move as rapidly as feasible toward the elimination of such devices as a part of, or supplement to, our own agricultural policy.

INSTABILITY OF RAW MATERIALS PRICES

Fluctuations in prices have particularly serious effects upon countries whose economies depend predominantly upon production and export of primary products. Extreme fluctuations not only induce distortions in the economic development of these countries; they sometimes shock their economies to an extent that throws great strain upon their social and political fabrics. Moreover, memories of collapses in primary products prices and fears of a recurrence tend to stimulate overrapid industrialization, designed to reduce their dependence upon the sale of primary products.

For these reasons, greater stability of prices is one of the prime desires in the raw materials exporting countries; and of course it is desired too in the industrialized countries which import raw materials and foodstuffs.

Prices inevitably fluctuate with variations in supply and demand; and such variations are affected by changes in the general economy. In particular, the demand for primary products in international trade is affected by business conditions in the industrialized countries which import them. Because of its sheer economic weight, the American economy exercises a particularly great influence on raw materials prices.

Proposals have been made to solve the problem of price instability by intergovernmental commodity agreements, involving export quotas, import quotas, price limits, reserve stocks, price stabilization purchases and sales (buffer stocks), production controls, or some combination of such devices. *The Commission does not believe that exten-*

e resort to commodity agreements will solve the problem of price stability; and it believes that such agreements introduce rigidities and restraints that impair the elasticity of economic adjustment and the freedom of individual initiative, which are fundamental to economic progress. Moreover, the types of intergovernmental commodity agreements thus far tried or proposed for the purpose of stabilizing prices involve commitments which could lead, if extensively employed, to very great outlays of United States Government funds in certain contingencies, of indeterminable amounts.

The Commission finds the same objections to the proposals for unilateral price-fixing action by the United States to stabilize world prices of raw materials and foodstuffs. Experience with the costs of efforts to stabilize certain commodity prices within the United States are an indication of the indeterminability of the costs of similar programs on a worldwide scale.

Aside from other causes, price instabilities are caused or aggravated in some instances by actions of governments. These include restrictions upon imports, exports, and foreign exchange; national commodity controls; accumulations and liquidations of commodities by governments; and finally wars.

The Commission believes that the constructive contributions that the United States Government can make toward greater stability of world prices are:

1) measures tending to relax or remove impediments to United States foreign trade and to encourage other countries to move in the same direction;

2) a policy of encouragement of diversification of the economies of the countries now excessively dependent upon a small number of products, and of encouragement of the governments of those countries to pursue policies likely to attract foreign investors to participate in the works of diversification;

3) avoidance of actions incidental to our own commodity control and stockpile programs that would have avoidably disruptive effects upon world prices;

4) continued consultation and cooperation with other nations to improve knowledge of world supply and demand for materials and foodstuffs, and to explore possible means of lessening instability; and

5) policies which will temper the fluctuations of our domestic economy, which exert great influence upon the course of world prices.

UNITED STATES DEPENDENCE ON IMPORTED MATERIALS

Since the beginning of World War II, the United States has become a consumer of more raw materials than it produces. This makes us dependent on materials imported from foreign sources and upon the availability, accessibility, and reasonable cost of the materials produced. This dependence will increase with growth in population, with increase in per capita consumption of end products, and with inven-

tion of new useful products to open new avenues of demand. The population factor alone will add 25 percent to our needs if it compounds at the rate of 1.5 percent annually for 15 years. Forecasts of the further additions through expansion of per capita consumption and through new invention would be guesswork; but those who review the experience of the last half century cannot weigh them lightly.

We depend on foreign sources today for over 30 percent of our requirements of copper, lead, and zinc; over 50 percent of our requirements of tungsten, bauxite, and antimony; over 75 percent of our requirements of chrome and manganese; practically all of our nickel requirements; and all our requirements of tin, natural rubber, and jute.

The Western European countries and Japan depend more heavily than we do on imported materials; and the needs for raw materials in other countries are growing steadily with the progress of industrialization which is in evidence in most parts of the world. In all these countries, growth of population and the demands for ever higher standards of living indicate progressively expanding requirements for raw materials, although at rates of expansion varying with the circumstances of each country. Their dependence on the development of new foreign sources of raw materials will increase with ours, from year to year and from generation to generation.

To some extent, this need for development of foreign sources of materials may be mitigated by discoveries of new sources in the United States. To some extent, it can be lessened by intensified exploitation of high-cost United States sources. The latter course, however, would involve quickened depletion of some of them and high costs of materials to our industry and of the products to our consumers. For many materials, the only practical sources are outside our borders. In most of the countries where these sources are situated, local capital is not adequate to finance their development.

The Commission believes that the most effective contribution which the United States Government can make to the development of the foreign sources of raw materials in which we and the free nations generally are deficient, is to follow policies favorable toward private investment abroad (as recommended earlier in this report), and to advocate among nations adherence to principles and practices hospitable to foreign investors and conducive to thrift and investment by their own nationals. One principle in particular must be stressed: Investors in the development of sources of needed materials must be assured against frustration of their ventures by unpredictable or capricious levies on exports or production by the countries of origin. Also our tariff policy toward the needed materials should be such as to offer them reasonably easy access to the United States market.

Intensified development of foreign sources of deficit materials is not only a compelling necessity for the United States and free nations generally; it also is a promising means of enlarging wealth and productivity in the countries where the development takes place, and of improving their opportunities of employment, standards of living, and capacities to buy from abroad.

SECURITY CONSIDERATIONS

The purely economic considerations, however, must be reconciled with considerations of military preparedness, where the two are not in harmony. A prime military consideration in the selection of foreign sources of materials is availability of the materials for United States and allied use under conditions of war. The preference among sources is governed by the degree of friendliness of the nations involved, their exposure to enemy action, and the length and safety of the transportation routes. In the case of critical materials which are extremely scarce, or whose sources in event of war would be in jeopardy or at the other end of a long or dangerous ocean route, assured wartime availability depends upon stockpiling.

The argument is often made that military considerations should dictate a preference for higher cost domestic sources of materials that may be needed in time of war, and that the maintenance of these lines of production here should be assured by effective tariffs. In some cases, such protection may enlarge our available supplies by expanding our production base, whereas in others it may exhaust the supplies that remain. Acceptance of this principle could lead to extreme distortions of the costs to our industry and consumers, with detriment to the international competitive situation of industry and the living costs of consumers incommensurate with the military considerations involved. It could lead also to burdens upon the entire American people incommensurate with the benefits to small numbers of them. It could bring about uneconomical substitutions of other things less adapted to the same use for the things whose costs it would inflate. *The Commission recommends that tariffs or other import restrictions on raw materials should be determined on economic grounds. Upon a finding by the Executive that it is necessary on solely military grounds to assure a strictly domestic source of supply, the Commission recommends that the purpose should be accomplished by other means, the cost of which should be borne in the defense budget.*

TARIFFS AND TRADE POLICY

In our consideration of the broad subject of tariffs and trade policies in relation to international trade, our starting point of course must be our present tariff structure. The world, including the United States, has had no experience for any considerable period of time with our present tariffs under conditions which might be termed relatively normal. The Trade Agreements Act ¹ was enacted while we were in the middle of a depression. Many bilateral trade agreements involving many reductions in our duties, were made during the first 5 years the act was in effect, but there had been limited opportunity to observe their effect before our trade, already distorted, was further disrupted by the outbreak of war. Since the termination of World War II the patterns of both our exports and our imports have been

¹ Act of June 12, 1934; 48 Stat. 943-945.

abnormal. There was an unusually large demand for our exports both for consumption and for rebuilding a war-torn world, and an interruption in the growth of our imports, arising out of the same causes. The Korean War resulted in a further distortion. Resulting imbalances were financed largely through our foreign loan and grant programs. During this period we continued to make further agreements involving still greater reductions in our tariffs.

Now, we find ourselves facing demands for further opening of our markets at a time when our commercial exports are in approximate balance with the highest level of imports ever reached, while the world as a whole has considerably rebuilt its holdings of gold and dollar reserves.

We are fully aware of the arguments for free trade. It is sufficient to say that, in our opinion, free trade is not possible under the conditions facing the United States today. Even in moving toward greater freedom of trade we must consider all of the rigidities, both here and elsewhere, which negate some of the premises upon which the arguments for free trade rest. We must take into account that while the United States employs impediments to trade, primarily through tariffs and in only limited fields through quotas, other countries also employ these devices. Beyond this, they employ the quota procedure far beyond our use, and against other countries as well as against us, and also employ exchange controls and many other devices not used here.

The record clearly indicates that, from a psychological and economic point of view, United States policies in fields connected with the tariff have come to be regarded as of key importance by both the American and the foreign public. We believe this is an over-emphasis, for it must not be assumed that any measures which the United States might take in the fields of customs administration and tariff policy, taken by themselves, could provide the full answer to the problem of imbalance described earlier in this report.

Any adequate program requires appropriate policies on a broad front, in foreign countries as well as here, including but not limited to policies with respect to convertibility and investment. Nor should any assumptions be made as to the key position of United States tariffs and customs procedures, relative to the many impediments which exist in the world to the international movement of goods and to the most effective application of capital and labor. It is clear, on the evidence examined by this Commission, that although many United States tariffs are high and many of our customs procedures are slow and cumbersome, many other United States tariffs are low and more than half our imports enter free of duty.

We fully recognize the dangers of using averages; yet it seems clear by any test that can be devised that the United States is no longer among the higher tariff countries of the world. Taken by and large, our trade restrictions are certainly no more of a cause of payment imbalances than the rigidities maintained by other na-

tions. Restrictions on import and export trade, in turn, are probably no more important than, and in a measure are bound up with, the rigidities maintained inside foreign economies through cartel restrictions, the immobility of labor, and ingrained resistance to technological change; and the rigidities maintained inside the American economy through farm price-support programs, minimum wage legislation, resale price maintenance laws, and the like.

The fact is that we have moved far from a world in which complete international specialization of labor is possible. Some of the rigidities mentioned above are here to stay. Other rigidities, such as those necessary for the defense of the free world, cannot be eliminated as long as the threat of communist aggression continues. This means that completely free trade is not feasible.

Yet the nations of the free world would be stronger and more cohesive if many of the existing barriers to the exchange of their goods were reduced, if unnecessary uncertainties and delays created by such barriers were eliminated, and if adequate international arrangements for discussing and finding solutions to their common trade problems were developed and maintained. The measures described below are aimed at contributing to these broad objectives.

The Buy American Act¹ and legislative provisions of other acts containing the Buy American principle should be amended to give authority to the President to exempt from the provisions of such legislation the bidders from other nations that treat our bidders on an equal basis with their own nationals. Pending such amendment, the President by Executive Order should direct procurement agencies in the public interest to consider foreign bids which satisfy all other considerations on substantially the same price basis as domestic bids.

The Buy American Act was enacted in 1933 as an antidepression measure. It requires Government procurement agencies in effect to give a preference to domestic suppliers, except where such suppliers are quoting prices substantially higher than those quoted from foreign sources. It embodies a philosophy and a practice which exists in many industrial nations of the free world and which is costly to them all. Today our Government procurement alone is of an order some 40 times its dollar volume in 1933. We are fully aware of sentiment everywhere that governments should buy from those who pay their expenses. While we do not believe that foreign producers have any inherent right to supply our Government, we believe that in the total national interest the United States could well lead the way toward the elimination of such preferences on a reciprocal basis.

Congress should direct the President to have the Tariff Commission undertake a study of the tariff schedules immediately, with the stated purpose of framing proposals for the simplification of commodity definitions and rate structures; this study should be completed within a definite time period and the Tariff Commission should be provided during this period with an appropriately enlarged staff. Congress should empower the President, on the basis of such recommendations, to proclaim such changes in commodity definitions and changes in rates as he determines to be

¹ Title III of the act of Mar. 3, 1933; 47 Stat. 1520-1521.

appropriate, provided that such changes do not materially alter the total of duties collected pursuant to any group of rates affected by such simplifying changes when calculated on imports in a specified base period.

The Department of the Treasury should formulate proposals designed to simplify the problem of classifying articles not enumerated in our tariff schedules. To that end, consideration should be given to eliminating the multiple and conflicting standards which now apply in the classification of such articles, such as "similitude" and "component of chief value," and developing a single standard of classifications for the widest practicable application.

The Senate should promptly consider H. R. 6584 now before it,¹ which would amend and improve the customs valuation provisions of our law by eliminating so-called "foreign value" as a basis of valuation and by other simplifying changes. In addition, the Department of the Treasury should be directed to make a study and report to the Congress on the feasibility and effect of making greater use of the actual invoice price of imported goods for valuation purposes in transactions between a buyer and a seller who are independent of each other. In that connection it should also consider and report upon the feasibility of making more efficient use of the "antidumping" law.

The Department of the Treasury should be directed to make a continuing study of difficulties and delays in customs administration and to report the results of its studies each year to the Congress, together with any proposals for legislative action.

a. The first of the regular reports herein recommended should indicate those detailed administrative provisions of the tariff laws which should be modified so that adequate discretion can be granted to the Secretary of the Treasury to insure the greatest possible speed and efficiency of administration in the operation of customs.

b. The first report should also set forth progress made through recent administrative action in simplifying customs procedures, including measures taken in accordance with the Customs Simplification Act of 1953.²

In connection with the application of antidumping duties, the task of determining, in accordance with the provisions of existing law, "that an industry in the United States is being or is likely to be injured . . ." by foreign dumping, should be transferred from the Department of the Treasury to the Tariff Commission. The Department of the Treasury should be directed to study and report to the Congress on any statutory amendments which may be needed to permit the continuance of shipments pending investigation of suspected dumping; and at the same time it

¹ This measure did not reach the Senate floor.

² Act of Aug. 8, 1953; 67 Stat. 507-521.

should report on any measures needed to effect speedier and more efficient operation of antidumping provisions in proper cases.

The President should study appropriate methods to assure that American industry is not injured by embargoes upon or other impediments to exports of raw materials to the United States for use in processing here. In this connection, he should direct the Department of the Treasury to review the effectiveness of existing countervailing-duty provisions of the law, should consider any alternative measures which may be available for achieving this purpose, and if necessary should make appropriate recommendations to the Congress.

Our policy of nondiscrimination in trade matters, as reflected in our unconditional most-favored-nation policy, should not be changed.

The United States should continue its traditional policy of nondiscrimination in its trade relations with other free nations. Only the unconditional most-favored-nation doctrine is consistent with this policy. If the United States were to give preferential trade treatment to certain countries, such action would itself constitute discrimination and be inconsistent with the position of the United States in the free world. Our present unconditional policy has been in effect for 30 years. Its reversal now would probably defeat our efforts to induce other countries to eliminate preferential arrangements that discriminate against us.

The organizational provisions of the General Agreement on Tariffs and Trade should be renegotiated¹ with a view to confining the functions of the contracting parties to sponsoring multilateral trade negotiations, recommending broad trade policies for individual consideration by the legislative or other appropriate authorities in the various countries, and providing a forum for consultation regarding trade disputes. The organizational provisions renegotiated in accordance with this recommendation should be submitted to the Congress for approval either as a treaty or by joint resolution.

The President's power to negotiate trade agreements under the Trade Agreements Act and to place them in force should be extended for not less than 3 years, with appropriate safeguards.² Such a period should give time for considering the effects of the recommendations for action here and of the actions taken abroad to restore multilateral trade and payments as in the past, and for Congress to give adequate consideration to the renegotiated organizational provisions of the General Agreement on Tariffs and Trade, as recommended above. Consideration should then be given to extending the Trade Agreements Act for a longer period than 3 years, with such safeguards as experience then indicates to be necessary.

In the past, the repeated short-term renewals of the President's

¹ See *infra*, docs. 7 and 8.

² See the Trade Agreements Extension Act of 1955; *infra*, doc. 9.]

powers to negotiate trade agreements have created an aura of instability in our trade policy which it would be desirable to avoid for the future. However, any permanent or long-term delegation of tariff-changing power by the Congress, while including limitations on maximum permissible changes, must also be accompanied by adequate standards, more specific than those which have accompanied the earlier delegations of such power for limited periods of time.

The President should be delegated broad powers under the Trade Agreements Act to enter into multilateral negotiations looking toward a reduction of tariff rates on a gradual basis. The President's power to increase rates should not thereby be curtailed. The President should be authorized for the 3 years following the renewal of the act to reduce tariff rates to the following extent:

a. Pursuant to multilateral trade agreement negotiation, the President should be authorized to reduce existing tariff rates by not more than 5 percent of present rates in each of the first 3 years of the new act.

b. On the basis of information provided by the Tariff Commission, the President should be authorized, with or without receiving reciprocal concessions, to reduce tariffs by not more than one-half of rates in effect January 1, 1945, on products which are not being imported or which are being imported in negligible volume. Any such reductions should be made in steps spread over a period of 3 years.

c. The President should be authorized to reduce to 50 percent ad valorem, or its equivalent, any rate in excess of that ceiling, except that any such reduction should take place by stages over a period of 3 years.

d. Reductions in rates pursuant to the foregoing should not be cumulative as to any commodity.

e. In the exercise of these powers, the existing prenegotiation procedures, including public notice and hearings before the Tariff Commission and before an interdepartmental committee, should be followed and peril point determinations should be made. Moreover, the provisions of the escape clause should apply to tariff reductions made under this authority.

In extending the tariff-negotiating authority of the President, the Congress should direct that in future negotiations subdivisions of classification categories which would give rise to new confusion or controversy over classification be avoided to the maximum extent possible.

The President should make an annual report to the Congress on the operation of the trade agreements program including information on new negotiations undertaken, changes made in tariff rates, and reciprocal concessions obtained.

The escape clause and the peril point provisions should be retained. However, the statute should be amended expressly to spell out the fact that the President is authorized to disregard findings under these pro-

provisions whenever he finds that the national interest of the United States requires it.

To date, the escape clause has been applied by the President with respect to only 3 products, despite the fact that there have been over 50 applications for the use of that clause in the past 5 years. There is no similar body of experience as yet with respect to the application of the peril point provisions. The application of these provisions on the basis of the national interest should provide adequate reassurance as to the stability of United States trade policy.

The same standards of sanitation and health should be applied to imported as to domestic goods. Plant and animal quarantine provisions should be maintained. The desirability of consulting with other countries, with a view to creating greater understanding abroad of the standards being enforced by the United States, should be studied.

RELATED PROBLEMS OF TRADE ADJUSTMENT

While the major solutions to trade and payments imbalance must be found in the fields of foreign investment, currency convertibility, and trade policy discussed elsewhere in this report, important contributions can be made in other fields. Contributions can be made in East-West trade, in shipping, and by tourism, each of which will now be discussed.

EAST-WEST TRADE

On the problem of what the United States should do toward the growing desire of some Western European nations who are our allies to trade with the countries involved in the Communist bloc, two points seem entirely clear.

*First, the present ban on exports by the United States to Communist China and North Korea and our efforts to secure similar action by others must continue until the present threats to our security and that of other free nations in those areas have been removed.*¹

*Secondly, our present efforts to prevent exports to the European-Soviet bloc that might contribute to its military strength must continue until genuine peace is assured.*²

But over and above these two categories of shipments there lies a possible area of trade between the East and the West in Europe in commodities which do not strengthen the forces of military aggression, a trade from which net advantage might accrue to the West.

It is this area of commerce that presents the dilemma to the United States.

For many generations there has existed a broad historic pattern of trade in Central Europe that served to support the economies of countries that are now our allies. These nations traditionally drew from the Soviet Union, Poland, East Germany, and the lower Danube

¹ See *supra*, pp. 2614-2615 and 2622-2626.

² See *supra*, pp. 1989-1993 and *infra*, pp. 3101-3105.

valley, foodstuffs, feeds, fuels, and raw materials. They sold in return the products of their factories.

Since the unmasking of the Soviet designs against western civilization, in conjunction with other free nations we have sought to restrict that trade. This weakened the economies of friendly countries and increased their need for our aid.

When we terminate that aid there is grave question as to whether we should attempt longer to prevent such friendly nations from availing themselves of their normal and historic trade pattern.

It may well be, moreover, that more trade in goods for peaceful purposes would in itself serve to penetrate the Iron Curtain and advance the day when normal relationships with the peoples of Eastern Europe may be resumed.

The Commission therefore recommends that, so far as it can be done without jeopardizing military security, and subject to the embargo on Communist China and North Korea, the United States acquiesce in more trade in peaceful goods between Western Europe and the Soviet bloc.

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MERCHANT MARINE POLICY

The Merchant Marine Shipping Act of 1936¹ declared it to be necessary "for the national defense and development of its foreign and domestic commerce that the United States shall have a merchant marine (a) sufficient to carry its domestic waterborne commerce and a substantial portion of the waterborne export and import foreign commerce of the United States and to provide shipping services on all routes essential for maintaining the flow of such domestic and foreign waterborne commerce at all times, (b) capable of serving as a naval and military auxiliary in time of war or national emergency, . . ." The act provided for construction-differential subsidies to compensate American owners for the excess of the cost of building ships in the United States over the cost of building them abroad, for operating subsidies for ships employed in regular liner routes between the United States and other countries, upon approval of the Maritime Administration, and for exemption from income tax of earnings allocated to special reserves for ship building by companies receiving the operating subsidies.

A large part of the foreign commerce of the United States always has been carried in foreign vessels. During World War II, the services of the merchant ships of our allies were available to us through the operation of an inter-Allied shipping pool. Participation in the carriage of United States foreign commerce is an important source of dollar earnings to the foreign maritime nations.

The Commission recommends that the determination of the active merchant fleet requirements of the United States for the purposes of the Merchant Marine Shipping Act of 1936 take account of the availability of foreign vessels and of the importance to the balance of payments of foreign maritime nations of their dollar earnings from shipping services.

¹ Act of June 29, 1936; 49 Stat. 1985-2017.

recommends that such requirements be determined by a high-level interdepartmental committee within the United States Government, based on these considerations as well as those enumerated in the act.

The Commission recommends that the statutory provisions requiring the United States vessels for shipments financed by loans or grants from the United States Government and its agencies be repealed and that support sufficient to maintain a merchant marine adequate to our national requirements be provided by direct means, such as those provided for under the Merchant Marine Shipping Act of 1936.

TOURISM

The Commission recommends consideration of means of facilitating issuance of passports and visas to tourists, and close cooperation with foreign governments through our missions abroad to insure ease of entry and adequacy of accommodation for travelers abroad. The duty-free allowance for tourists which, in effect, now amounts to \$500 exercisable once every 6 months, should be increased to \$1,000. The President should direct the appropriate departments of the Government to encourage promotion of tourism.

CURRENCY CONVERTIBILITY

There have been two schools of thought concerning the restoration of currency convertibility. One school regards the restoration of convertibility as mainly a matter of curbing inflation abroad. It regards the war-induced disturbances in production and trade as temporary phenomena which have now been surmounted. By this reasoning, all that remains for the introduction of convertibility is appropriate monetary-fiscal and exchange rate policies.

Another school of thought regards the problem as much more complicated. While agreeing that the curbing of inflation and the fixing of appropriate exchange rates are essential for convertibility, it argues that such measures may not be enough. It lays emphasis upon the structural, longer run nature of many of the war-induced distortions in production and trade, and upon even deeper seated changes already apparent before the war. Without repeating what was said earlier in this report about the dollar problem, other factors that should be mentioned are the loss of Europe's overseas investments, the rearrangement of the triangular pattern of world trade—as between the United States, Europe, and the nondollar, non-European areas—and particularly the growing predominance of the United States in the world economy, which has intensified the effects abroad of short-run economic fluctuations here, and the longer run disparities in productivity and real income. Because of these structural developments, this school of thought takes a more cautious attitude toward convertibility.

The Commission adheres to this latter view. It recognizes, however, that there is an important difference between establishing outright convertibility of currencies and taking gradual and prudent steps in that direction; and it recognizes also that the general economic conditions prerequisite to currency convertibility are more nearly in prospect today than at any previous time since the war. *The Commission believes that the decisions, the methods, the time table, and the responsibility for introducing currency convertibility should rest on the countries concerned. It recognizes, however, that currency convertibility must be examined in the light of the policies pursued by other countries, particularly the United States; and it believes that the recommendations in the preceding sections of this report, if carried out, would encourage and assist foreign countries in removing restrictions on trade and payments as rapidly as prudence permits.*

In the light of these considerations, the Commission wishes to make some general observations regarding currency convertibility. *The Commission believes that convertible currencies constitute an indispensable condition for the attainment of world-wide multilateral trade and the maintenance of balanced trade in a relatively free market. It would deplore a merely formal convertibility maintained through trade restrictions. It believes that the removal of restrictions upon payment and upon trade should go hand in hand. It favors gradual but positive progress toward currency convertibility. . . .*

The Commission does not favor a "dash" for convertibility, or letting the currency "find its own level," since such a method presents the danger of a vicious circle of inflation, and would require larger reserves than may be available to prevent currency depreciation from getting out of hand. It is, however, sympathetic to the concept of a "floating rate," which provides alternative methods of meeting trade and speculative pressures. Whether a country is strong enough, externally and internally, to administer such a system effectively, involves a judgment which only the country in question could itself responsibly make.

The Commission does, however, wish to emphasize its view that a strong internal economy, willing and able to control its money supply and its budget as safeguards against inflation, sufficiently mobile to make the best use of its resources, and able and willing to save in order to increase its productivity and improve its competitive position in world markets, is a prerequisite to convertibility; and that the attainment over time of these conditions should be the guide as to how rapidly full convertibility could safely be approached.

One further important question is the effect of sterling (and other European currency) convertibility upon the European Payments Union. As the matter now stands after more than a year of study by the European Payments Union Managing Board, the Board has been requested by the OEEC Council to report again in March 1954 on the question of compatibility of currency convertibility (particularly sterling) and the continued functioning of the European Pay-

ments Union.¹ The Commission's view is that the European Payments Union, by its own testimony, has always been regarded as a temporary mechanism with limited objectives—an intra-European multilateral system of trade and payments (including overseas areas). But the Union has achieved an impressive measure of success—above all, it has shown that freeing trade and freeing payment go hand in hand—and the Commission feels it should not sponsor any measures that might wreck the Union before there is something better to put in its place. This is a problem for the OEEC countries to work out among themselves, provided their solution does not impede the attainment of a global multilateral system of trade and payments.

Last and most important is the question of adequacy of reserves. It must always be borne in mind that sterling is a *key* currency, i. e., a currency used to finance the trade of *third* countries. Even now sterling finances about 40 percent of the total trade of the world, and made convertible it would be exposed to trade, financial, and speculative pressures to a far greater extent than any other European currency. This is indeed why, in proper circumstances, we want sterling to become convertible, in the interests of freer trade and payment in a worldwide multilateral system. To the extent that some other of the major trading countries might be able to make their currencies convertible simultaneously with sterling, the pressure upon sterling might be eased. The Commission believes, however, that to restore full confidence in sterling, Britain's reserves must be strengthened.

After serious consideration, and after study of the testimony of highly qualified and closely interested witnesses both here and abroad, *the Commission's view is that for the purposes of a gradual and controlled approach to full convertibility* (except for special safeguards against capital transfers and the control of previously accumulated balances) *adequate reserves could be found through a much more active utilization than heretofore of the International Monetary Fund's holdings of gold and convertible currencies which now amount to \$3.3 billion.* To this end, the Commission favors also any reasonable relaxations by the Fund that might be required, such as a relaxation of the time schedule for utilization of quotas and the provision for maintaining fixed parities.

As a second means of strengthening foreign reserves and of providing foreign exchange support operations to assist in the gradual attainment of general convertibility, the Commission recommends that the Federal Reserve System explore with foreign central banks the possibilities of standby credits or line of credit arrangements. There is ample precedent for such arrangements in the interwar period; and the Commission believes that this method is superior to any other which might be devised to provide for additional possible calls on dollars, both because it would avoid an increase in the public debt and because it could be handled more flexibly and informally, and therefore more effectively, than a formal grant of credit by our Treasury.

¹ See *supra*, pp. 1012-1037.

CONCLUSION

In closing this report and in submitting the foregoing conclusions and recommendations to the President and the Congress, the Commission wishes to stress the importance of consistency and continuity with respect to our foreign economic policy. Our position of leadership in the world requires that we make clear to other countries the principles upon which our policy is based, and that thereafter we seek to maintain stability in our policy in order that the mutual confidence so urgently required in the field of international trade may be advanced. This stability requires high level coordination of policy within the executive branch of the Government, and consistency of action within the legislative branch.

4. RECOMMENDATIONS CONCERNING UNITED STATES FOREIGN ECONOMIC POLICY: Message by the President to the Congress, March 30, 1954¹

I submit herewith for the consideration of the Congress recommendations concerning the foreign economic policy of the United States.

Due to the urgency and significance of our problems in this area, I previously recommended, and the Congress approved, the establishment of the Commission on Foreign Economic Policy.² Its membership, consisting of seventeen elected officials and private citizens, was drawn from all parts of the country and represented diverse points of view. The Commission's report,³ prepared in the American tradition of full debate and vigorous dissent, has been carefully reviewed by the various Executive Departments of the Government and forms the basis for the program I submit in this message.

Before the Commission began its deliberations I said to its members, "I commend to you an attitude both realistic and bold. Above all, I urge you to follow one guiding principle: What is best in the national interest."⁴

The national interest in the field of foreign economic policy is clear. It is to obtain, in a manner that is consistent with our national security and profitable and equitable for all, the highest possible level of trade and the most efficient use of capital and resources. That this would also strengthen our military allies adds urgency. Their strength is of critical importance to the security of our country.

Great mutual advantages to buyer and seller, to producer and consumer, to investor and to the community where investment is made,

¹ Department of State *Bulletin*, Apr. 19, 1954, pp. 602-607; H. Doc. No. 360, 83d Cong., 2d sess.

² The Commission was established under the provisions of Title III of the Trade Agreements Extension Act of 1953; *supra*, doc. 2.

³ *Supra*.

⁴ Statement by the President before the organization meeting of the commission, Sept. 22, 1953; Department of State *Bulletin*, Oct. 5, 1953, p. 450.

accrue from high levels of trade and investment. They accrue no less in trade from nation to nation than in trade from community to community within a single country. The internal strength of the American economy has evolved from such a system of mutual advantage.

In the press of other problems and in the haste to meet emergencies, this Nation—and many other nations of the free world—have all too often lost sight of this central fact. Worldwide depression and wars, inflation and resultant economic dislocations, have left a sorry heritage: a patchwork of temporary expedients and a host of restrictions, rigidities, interferences, and barriers which seriously inhibit the expansion of international trade. Thus are impeded the very forces which make for increased production, employment, and incomes.

The tasks of repairing the physical damage caused by the catastrophe of war have been substantially achieved. The creation of an adequate system of defense for the free world is well advanced. Most of the countries which suffered the ravages of war have made remarkable headway toward financial stability and increased production. Their own efforts have been greatly aided by our assistance, and yet, despite this recovery, we and other free nations are still severely limited by the persistence of uneconomic, manmade barriers to mutual trade and the flow of funds among us.

Together we and our friends abroad must work at the task of lowering the unjustifiable barriers—not all at once but gradually and with full regard for our own interests. In this effort, the United States must take the initiative and, in doing so, make clear to the rest of the world that we expect them to follow our lead.

Many foreign restrictions have been imposed as a consequence of the so-called "dollar gap." This phrase has become the symbol of the failure of the free world to find a lasting solution to the imbalance of international payments. We should no longer fill it by major grants to enable other nations to secure what they need but cannot buy. Our aim must not be to fill the dollar gap, but rather to help close it. Our best interest dictates that the dollar gap be closed by raising the level of trade and investment.

The United States stands ready and able to produce and sell more than the rest of the world can buy from us. The inability of many foreign countries to buy our goods in the volume we would like to sell does not arise from any lack of desire for these goods. Such is far from the case. Instead it arises out of an inability of these nations to pay—in dollars—for the volume we have to sell.

Dollar grants are no lasting solution to this impasse.

The solution is a higher level of two-way trade. Thus we can sell and receive payment for our exports and have an increasing volume of investment abroad to assist economic development overseas and field returns to us. Greater freedom from restrictions and controls and the increased efficiencies which arise from expanding markets and the freer play of economic forces are essential to the attainment of this higher trade level.

Failure so to move will directly threaten our domestic economy, for it will doom our efforts to find ways by which others, through their own

efforts, can buy our goods. The only practicable alternative is to reduce exports. Our farms would have to sell less, since the products of 40 million acres, amounting to 10 to 12 percent of our agriculture, would have to find their market outside our own country. Moreover, if their export markets were curtailed, American factories now selling their products throughout the world would have to reduce employment. It is a very important fact that over 4 million American workers depend on international trade for their employment.

Beyond our economic interest, the solidarity of the free world and the capacity of the free world to deal with those who would destroy it are threatened by continued unbalanced trade relationships—the inability of nations to sell as much as they desire to buy. By moving boldly to correct the present imbalance, we shall support and increase the level of our exports of both manufactured and agricultural products. We shall, at the same time, increase the economic strength of our allies. Thus shall we enhance our own military security by strengthening our friends abroad. Thus shall we assure those sources of imports that supplement our domestic production and are vital to our defense. Thus shall we raise our standard of living and aid in the development of a better world for all of us and our children.

TARIFFS

I am convinced that the gradual and selective revision of our tariffs, through the tested method of negotiation with other nations, is an essential ingredient of the continuing growth of our domestic economy. An expression of our willingness to negotiate further will offer needed leadership toward the reduction of trade and payments barriers that limit markets for our goods throughout the world.

The Commission on Foreign Economic Policy recommended a three-year extension of the Trade Agreements Act with amendments to authorize:

- a. Reduction, pursuant to trade agreement negotiation, of existing tariff rates on commodities selected for such negotiations by not more than 5 percent of present rates in each of the 3 years of the new act;
- b. Reduction, by not more than one-half over a 3-year period, of tariffs in effect on January 1, 1945, on products which are not being imported or which are being imported only in negligible volume; and
- c. Reduction, over a 3-year period, pursuant to trade agreement negotiation, to 50 percent ad valorem, or its equivalent, of any rate in excess of 50 percent ad valorem, or its equivalent.

I have approved these recommendations of the Commission and urge their adoption by the Congress.¹ I may also recommend special provisions for negotiation with Japan in view of the economic problems of that country.²

¹ See Trade Agreements Extension Act of 1955; *infra*, doc. 9.

² See the announcement by the Department of State concerning special trade negotiations with Japan, Nov. 12, 1954; Department of State *Bulletin*, Nov. 22, 1954, pp. 767-771.

The foregoing authority does not contemplate across-the-board tariff reductions. The peril point and escape clause procedures would, of course, be preserved, and the three proposed types of rate reduction would not be cumulative. Tariff reductions would be made selectively on specific commodities, and only after notice and hearings in accordance with past practice. This would represent our part in the gradual and careful approach to the whole problem of improved trade which the world so urgently needs. No sudden, sharp, or widespread adjustments within our economy would be involved.

These escape clause and peril point provisions of our tariff legislation are designed to mitigate injury to our domestic producers from tariff reductions. Whenever recourse is had to these provisions, I shall carefully consider the findings and recommendations of the Tariff Commission. My responsibilities for the welfare of the Nation require that I continue to base my decisions at times on broader grounds than the Tariff Commission is empowered to consider. The Commission on Foreign Economic Policy supports this position.

I have approved the Commission's recommendations that the United States withhold reductions in tariffs on products made by workers receiving wages which are substandard in the exporting country. This policy shall be placed in effect. I have also approved the Commission's recommendations concerning raising of labor standards through consultative procedures and cooperation in international conferences such as those sponsored by the International Labor Organization.

These recommendations for renewal and amendment of the Trade Agreements Act are based on the plain truth that if we wish to sell abroad we must buy abroad.

THE GENERAL AGREEMENT ON TARIFFS AND TRADE

Since 1948, virtually all the major trading nations of the world, including the United States, have become parties to a General Agreement on Tariffs and Trade. This agreement has been the principal arrangement by which we in the United States have sought to carry out the provisions and purposes of the Trade Agreements Act.

The Commission on Foreign Economic Policy has recommended that the United States renegotiate the organizational provisions of the agreement,¹ so that the contracting parties acting collectively would confine their functions to sponsoring multilateral trade negotiations, recommending broad trade policies for individual consideration by the legislative or other appropriate authorities in the various countries, and providing a forum for consultation regarding trade disputes.

I shall act promptly upon this recommendation. At the same time, I shall suggest to other contracting parties revisions of the substantive provisions of the agreement to provide a simpler, stronger instrument contributing more effectively to the development of a workable

¹ See Agreement on the Organization for Trade Cooperation; *infra*, doc. 8.

system of world trade.¹ When the organizational provisions of the agreement have been renegotiated, they will be submitted to the Congress for its approval.²

CUSTOMS ADMINISTRATION AND PROCEDURE

The problems of tariff classification, of proper valuation of imported articles and of procedures for administering the customs are complex and perplexing. Over the years these problems have grown to the point where they now constitute an unwarranted and unintended burden on trade.

The United States may be no worse in this regard than many other nations, but good business practice alone is sufficient to require:

- a. Simplification of commodity definitions, classifications, and rate structure;
- b. Improvement in the methods of valuation of imports; and
- c. Establishment of more efficient procedures for customs administration.

To this end I shall propose legislation providing for the simplification of the commodity definitions and rate structures in the Tariff Act, after a study by the Tariff Commission, and subject to appropriate standards to be established by the Congress. Such legislation should also provide for a better method of classification of articles not enumerated in the tariff schedules, and for such improvement in the statutes governing the administration of customs procedures as can be made at this time. In this connection I am directing the Department of the Treasury to keep customs procedures under continuous review and to report to the Congress annually on the difficulties and delays in processing goods through Customs, together with recommendations for action to eliminate such obstructions. I further recommend that the antidumping law and procedures under it be changed so far as necessary to permit speedier and more efficient disposal of cases and to prevent undue interference with trade during investigation of suspected dumping.

To provide an improved basis for customs valuations I urge adoption of the Treasury's valuation proposals. These are embodied in H. R. 6584, which has already been passed by the House of Representatives.³

UNITED STATES INVESTMENT ABROAD

An increased flow of United States investment abroad could contribute significantly to the needed expansion of international trade. It also could help maintain a high level of economic activity and

¹ See the President's letter to the chairman of the United States delegation to the Ninth Session of the Contracting Parties to GATT; Department of State *Bulletin*, Nov. 22, 1954, p. 774.

² See General Agreement on Tariffs and Trade, Oct. 30, 1947, as amended at the Ninth Session of the Contracting Parties, Mar. 10, 1955; *infra*, doc. 7.

³ Measure did not reach Senate floor.

employment in the United States. Further, such investment contributes to the development abroad of primary resources needed to meet our own ever-increasing needs even while it helps to strengthen the economies of foreign countries. In view of the great importance of private investment to our foreign economic policy, I emphasize the necessity for passage of the administration tax bill¹ already recommended to you and already advanced in your considerations which provides for:

- a. Taxation of business income from foreign subsidiaries or from segregated foreign branches which operate and elect to be taxed as subsidiaries at a rate 14 percentage points lower than the regular corporate rate;
- b. Broadening the definition of foreign taxes which may be credited against the United States income tax to include any tax, which is the principal form of taxation on business in a country, except turnover, general sales taxes or excise, and social security taxes;
- c. Removing of the overall limitation on foreign tax credits; and
- d. Permitting regulated investment companies concentrating on foreign investment to pass on to their stockholders the credit for foreign taxes which would be available on direct investment.

Further to encourage the flow of private investment abroad, we shall give full diplomatic support, through our activities here and through our missions and representatives in the field, to the acceptance and understanding by other nations of the prerequisites for the attraction of private foreign investment. We shall continue to use the treaty approach to establish common rules for the fair treatment of foreign investment.

In connection with legislation authorizing the mutual security program, I suggest that the Congress consider the desirability of broadening the existing authority to guarantee against losses on new investment abroad, so as to cover losses caused by war, revolution, and insurrection.²

The Commission has pointed out that uncertainty as to the application of United States antitrust laws to the operations of American firms abroad is a deterrent to foreign investment. It recommended that our antitrust laws be restated in a manner which would clearly acknowledge the right of each country to regulate trade within its own borders. At the same time, the Commission insisted that it should be made clear that foreign laws or established business practices which encourage restrictive price, production, or marketing arrangements will limit the willingness of United States businessmen to invest abroad and will reduce the benefits of such investment to the economies of the host countries.

I have requested the Department of Justice to consider this recommendation in connection with its current study of the antitrust laws.

¹ See Internal Revenue Code of 1954 (PL 591, 83d Cong., 2d sess.); 68A Stat.

² Recommendation not incorporated in the Mutual Security Act of 1954; see *infra*, pp. 3105-3140.

BUY AMERICAN LEGISLATION

At present certain of our laws require that, in specified Federal or federally financed procurement, preference be given to domestic firms over foreign bidders. Except where considerations of national security, persistent and substantial unemployment, or encouragement of small business require otherwise, I agree with the Commission that it is improper policy, unbusinesslike procedure, and unfair to the taxpayer for the Government to pay a premium on its purchases.

I request, therefore, that legislative authority be provided to exempt from the provisions of this legislation the bidders from nations that treat our bidders on an equal basis with their own nationals.¹ Meanwhile, the executive branch is clarifying the application of these preference principles to Government procurement. It will limit the price differential favoring domestic producers over foreign bidders to a reasonable percent, dependent upon the circumstances over and above whatever tariffs may apply.² Discretionary authority, however, must be continued to permit special consideration in Government procurement for the requirements of national security, for the problems of small business, and of areas where persistent and substantial unemployment exists.

RAW MATERIALS

This country is blessed with abundant mineral resources, but we must make the most of them if we are to satisfy the ever-increasing appetite of an expanding economy and at the same time maintain an adequate defense posture. We must recognize, however, that it is not possible for this Nation, or any other nation, to produce enough of every metal and mineral needed by modern industry. These materials are not evenly distributed throughout the world. We have to depend on one another. Our foreign economic policies, therefore, must encourage the relatively easy flow of these materials in international trade.

The Commission has made two sets of recommendations which I believe will materially assist in achieving an orderly expansion of mineral production both here and abroad.

The first is that the United States Government should make a constructive contribution toward greater stability of world prices of raw materials by moderating or relaxing impediments to international trade, by encouraging diversification of foreign economies, by avoiding procurement practices which disturb world prices, by consultation with other nations, and by tempering the fluctuations in our own economy.

The second calls for increased encouragement of investment in overseas production by our citizens and the nationals of other countries. I heartily endorse these recommendations.

The Commission also recommended that domestic sources for raw materials required for military purposes should be assured by direct

¹ No legislation submitted.

² See Ex. Or. 10582, Dec. 17, 1954.

means and not by tariffs and import quotas. I believe that normally this is sound.

However, I have appointed a special Cabinet committee which is now surveying the whole field of our minerals policy and have drawn their attention to these recommendations.¹

AGRICULTURE

Perhaps no sector of our economy has a greater stake in foreign trade than American agriculture. In recent years, for example, one-third of our wheat, forty percent of our cotton and rice, and one-fourth of our tobacco and soybeans have been exported. It is highly important to maintain foreign markets for our agricultural products.

Any program designed to serve the interests of American agriculture must take due account of the necessity for export markets. Put in the words of the Commission, "It is necessary to harmonize our agricultural and foreign economic policies without sacrificing the sound objectives of either." I am convinced such reconciliation is possible. Acceptance of the recommendations in my agricultural message of January 11 will, I feel certain, help accomplish this objective.²

MERCHANT MARINE

With respect to our ocean shipping, we must have a merchant marine adequate to our defense requirements. I subscribe to the principle that such support of our merchant fleet as is required for that purpose should be provided by direct means to the greatest possible extent. Such a policy, however, requires a careful analysis of the means available for providing direct support, its possible effects on foreign flag vessel carryings, and its total costs before a specific program can be recommended.

The Department of Commerce has already studied this problem at length. Its findings will be further reviewed within the Executive Branch in order to develop specific recommendations to transmit to the next session of the Congress, in addition to the proposals submitted by the Executive Branch that are now before the Congress.³

INTERNATIONAL TRAVEL

International travel has cultural and social importance in the free world. It also has economic significance. Foreign travel by Americans is a substantial source of dollars for many countries, enabling them to pay for what we sell them.

¹ The Cabinet Committee on Mineral Policy was appointed, Oct. 26, 1953. Its membership consisted of the Secretary of the Interior (Chairman), the Secretary of State, the Secretary of Commerce, and the Director of the Office of Defense Mobilization. The Secretary of the Treasury and the Director of the Bureau of the Budget served as consultants. The committee submitted its final report to the President, Dec. 1, 1954. For a summary of its findings, see the Department of State *Bulletin*, Dec. 27, 1954, pp. 988-990.

² H. Doc. 292, 83d Cong., 2d sess.

³ See the two amendments to the Merchant Marine Act of 1936 (PL 664 and PL 781, 83d Cong., 2d sess., Aug. 26 and Sept. 3, 1954; 68 Stat. 832 and 1267).

While the promotion of tourism is primarily a responsibility of the countries which welcome visitors, and is a function for private enterprise, there are some specific governmental actions which can be helpful. For example, there is H.R. 8352¹ which increases the duty-free allowance for tourists from \$500 to \$1,000, exercisable every 6 months. I recommend its passage. From time to time I may have other recommendations for legislative action to stimulate travel.

Meanwhile, in the executive branch, I shall instruct the appropriate agencies and departments, at home and abroad, to consider how they can facilitate international travel. They will be asked to take action to simplify governmental procedures relating to customs, visas, passports, exchange or monetary restrictions and other regulations that sometimes harass the traveler.

ECONOMIC AID AND TECHNICAL ASSISTANCE

Assistance extended in the past by the United States to other free nations has played an effective part in strengthening the national security, developing important resources, and opening up significant opportunities, for ourselves and for others. It has also carried with it, in many instances, particularly in technical cooperation and famine relief, a deep humanitarian response by our people. However, economic aid cannot be continued indefinitely. We must distinguish between an emergency and a chronic malady, between a special case and a general rule.

I subscribe, therefore, to the principle that economic aid on a grant basis should be terminated as soon as possible consistent with our national interest. In cases where support is needed to establish and equip military forces of other governments in the interest of our mutual defense, and where this is beyond the economic capacity of another country, our aid should be in the form of grants. As recognized by the Commission, there may be some cases in which modest amounts of grant aid to underdeveloped countries will importantly serve the interest of security. I further agree that in other situations where the interest of the United States requires that dollars not otherwise available to a country should be provided, such support to the maximum extent appropriate should be in the form of loans rather than grants.

In extending such loans, we must be careful not to interfere with the normal lending activities and standards of the Export-Import Bank. The International Bank is the primary institution for the public financing of economic development. The Export-Import Bank will consider on their merits applications for the financing of development projects, which are not being made by the International Bank, and which are in the special interest of the United States, are economically sound, are within the capacity of the prospective borrower to repay and within the prudent loaning capacity of the bank.

I approve the recommendations of the Commission on Foreign Economic Policy that the United States participation in technical

¹ Did not become law.

operation programs should be pressed forward vigorously. Such programs should concentrate on providing experts and know-how rather than large funds or shipments of goods except for necessary demonstration equipment. They should not provide capital for investment but should be so administered as to fit into the programs development of the assisted countries and they should be related to any private or public investment likely to be forthcoming.

Review of the requirements for the Mutual Security Program has been conducted with these principles in mind and substantial reductions in grant aid have been made by this administration. The legislation which I shall later propose for the Mutual Security Program will reflect these principles.¹

EAST-WEST TRADE

In viewing the problems of other nations of the free world, we are forced to recognize that the economies of some of them have been weakened by the disruption of the broad historic pattern of trade between East and West.

Curtailement of our aid programs will increase the pressures for resumption of such trade. A greater exchange of peaceful goods between East and West—that is, goods not covered by the Battle Act² nor otherwise considered strategic—so far as it can be achieved without jeopardizing national security, and subject to our embargo

on Communist China and North Korea,³ should not cause us undue concern. I shall, of course, take appropriate action to ensure that our security is fully safeguarded.

CURRENCY CONVERTIBILITY

The Commission rightly regards positive progress toward currency convertibility as an indispensable condition for a freer and healthier international trade. Steps toward enabling holders of foreign currencies to convert them freely into other currencies deserve our encouragement.

The Commission has correctly observed that the initiative and responsibility for introducing currency convertibility must rest with the countries concerned. I am happy to say that such initiative is being taken. The British and other members of the Commonwealth Nations have met twice, in London and in Sydney, to consider plans for convertibility of the pound sterling.⁴ The United Kingdom and other important nations of Europe have discussed their aims with us. Individually they are taking constructive steps affecting their own currencies. In addition, discussions among them which are now under way in connection with the renewal of the European

See the Mutual Security Act of 1954; *infra*, pp. 3105-3140.

Act of Oct. 26, 1951; *infra*, pp. 3101-3105.

See *supra*, pp. 2622-2626.

The London meeting was held Nov. 27-Dec. 11, 1952; the Sydney meeting, Dec. 8-14, 1954.

Payments Union ¹ are being largely influenced by their desire to prepare the way for convertibility.

I have approved the Commission's recommendations for cooperation in strengthening the gold and dollar reserves of countries which have prepared themselves for convertibility by sound internal and external policies. These recommendations do not call for new action by the Congress. Authority and procedures for this purpose already exist. The United States will support the use of the resources of the International Monetary Fund as a bulwark to strengthen the currencies of countries which undertake convertibility. In addition, a study is now being made, as suggested by the Commission, of the possibility of standby credits from the Federal Reserve System.

CONCLUSION

What I have outlined to you is a minimum program which should be judged as a whole. Its various parts are interrelated; each requires the other.

Conceived as a whole, this program consists of four major parts:

- Aid—which we wish to curtail;
- Investment—which we wish to encourage;
- Convertibility—which we wish to facilitate; and
- Trade—which we wish to expand.

I consider it essential that we achieve each of these objectives, which we must clearly understand are closely interlocked: As we curtail our aid, we must help to close the dollar gap by expanding our foreign investment and trade. This expansion will be facilitated by a return to convertibility of foreign currencies. The return by our friends abroad to convertibility will be encouraged if our trade policy leads them to expect expansion of our foreign trade and investment.

Unless we are prepared to adopt the policies I have recommended to expand export and import trade and increase the flow of our capital into foreign investment, our friends abroad may be discouraged in their effort to reestablish a free market for their currencies. If we fail in our trade policy, we may fail in all. Our domestic employment, our standard of living, our security, and the solidarity of the free world—all are involved.

For our own economic growth we must have continuously expanding world markets; for our security we require that our allies become economically strong. Expanding trade is the only adequate solution for these two pressing problems confronting our country.

¹ The May 5-6, 1954, session of the Ministerial Council of the OEEC extended the life of the EPU to June 30, 1955.

5. AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED IN 1955: Public Law 480 (83d Congress, 2d Session),¹ July 10, 1954; Amended by Public Laws 25 and 387 (84th Congress, 1st Session),² April 25 and August 12, 1955³

AN ACT To increase the consumption of United States agricultural commodities in foreign countries, to improve the foreign relations of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Trade Development and Assistance Act of 1954."

SEC. 2. It is hereby declared to be the policy of Congress to expand international trade among the United States and friendly nations, to facilitate the convertibility of currency, to promote the economic stability of American agriculture and the national welfare, to make maximum efficient use of surplus agricultural commodities in furtherance of the foreign policy of the United States, and to stimulate and facilitate the expansion of foreign trade in agricultural commodities produced in the United States by providing a means whereby surplus agricultural commodities in excess of the usual marketings of such commodities may be sold through private trade channels, and foreign currencies accepted in payment therefor. It is further the policy to use foreign currencies which accrue to the United States under this Act to expand international trade, to encourage economic development, to purchase strategic materials, to pay United States obligations abroad, to promote collective strength, and to foster in other ways the foreign policy of the United States.

TITLE I—SALES FOR FOREIGN CURRENCY

SEC. 101.⁴ In furtherance of this policy, the President is authorized to negotiate and carry out agreements with friendly nations or organizations of friendly nations to provide for the sale of surplus agricultural commodities for foreign currencies. In negotiating such agreements the President shall—

(a) take reasonable precautions to safeguard usual marketings of the United States and to assure that sales under this Act will not unduly disrupt world prices of agricultural commodities;

(b) take appropriate steps to assure that private trade channels are used to the maximum extent practicable both with respect to sales from privately owned stocks and from stocks owned by the Commodity Credit Corporation;

(c) give special consideration to utilizing the authority and funds provided by this Act, in order to develop and expand con-

¹ 68 Stat. 454.

² 69 Stat. 44 and 721.

³ *Mutual Security Legislation and Related Documents*, compilation prepared by the Office of the General Counsel of the International Cooperation Administration, Dec. 29, 1955, pp. 113–118.

⁴ This title succeeded sec. 550 of the Mutual Security Act of 1951; see sec. 502 of the Mutual Security Act of 1954, as amended (*infra*, p. 3129).

tinuous market demand abroad for agricultural commodities, with appropriate emphasis on underdeveloped and new market areas;

(d) seek and secure commitments from participating countries that will prevent resale or transshipment to other countries, or use for other than domestic purposes, of surplus agricultural commodities purchased under this Act, without specific approval of the President; and

(e) afford any friendly nation the maximum opportunity to purchase surplus agricultural commodities from the United States, taking into consideration the opportunities to achieve the declared policy of this Act and to make effective use of the foreign currencies received to carry out the purposes of this Act.

SEC. 102. (a) For the purpose of carrying out agreements concluded by the President hereunder, the Commodity Credit Corporation, in accordance with regulations issued by the President pursuant to subsection (b) of this section, (1) shall make available for sale hereunder to domestic exporters surplus agricultural commodities heretofore or hereafter acquired by the Corporation in the administration of its price-support operations, and (2) shall make funds available to finance the sale and exportation of surplus agricultural commodities, whether from private stocks or from stocks of the Commodity Credit Corporation. In supplying such commodities to exporters under this subsection the Commodity Credit Corporation shall not be subject to the sales price restrictions in section 407 of the Agricultural Act of 1949,¹ as amended. The commodity set-aside established for any commodity under section 101 of the Agricultural Act of 1954 (68 Stat. 897) shall be reduced by a quantity equal to the quantity of such commodity financed hereunder which is exported from private stocks.²

(b) In order to facilitate and maximize the use of private channels of trade in carrying out agreements entered into pursuant to this Act,

¹ Act of Oct. 31, 1949; 63 Stat. 1051.

² This subsection was revised by PL 25, 84th Cong., 1st sess. (69 Stat. 44), approved Apr. 25, 1955. It formerly read as follows:

"For the purpose of carrying out agreements concluded by the President hereunder, the Commodity Credit Corporation, in accordance with regulations issued by the President pursuant to subsection (b) of this section, (1) shall make available for sale hereunder at such points in the United States as the President may direct surplus agricultural commodities heretofore or hereafter acquired by the Corporation in the administration of its price support operations, and (2) shall make funds available to finance the sale and exportation of surplus agricultural commodities from stocks owned by the Corporation or pledged or mortgaged as security for price support loans or from stocks privately owned if the Corporation is not in a position to supply the commodity from its owned stocks: *Provided*, That to facilitate the use of private trade channels the Corporation, even though it is in a position to supply the commodity, may finance the sale and exportation of privately owned stocks if the Corporation's stocks are reduced through arrangements whereby the private exporter acquires the same commodity of comparable value or quantity from the Commodity Credit Corporation. In supplying commodities to private exporters under such arrangements Commodity Credit Corporation shall not be subject to the sales price restriction in section 407 of the Agricultural Act of 1949, as amended."

the President may, under such regulations and subject to such safeguards as he deems appropriate, provide for the issuance of letters of commitment against funds or guarantees of funds supplied by the Commodity Credit Corporation and for this purpose accounts may be established on the books of any department, agency, or establishment of the Government, or on terms and conditions approved by the Secretary of the Treasury in banking institutions in the United States. Such letters of commitment, when issued, shall constitute obligations of the United States and moneys due or to become due thereunder shall be assignable under the Assignment of Claims Act of 1940.¹ Expenditures of funds which have been made available through accounts so established shall be accounted for on standard documentation required for expenditures of Government funds.

SEC. 103. (a) For the purpose of making payment to the Commodity Credit Corporation to the extent the Commodity Credit Corporation is not reimbursed under section 105 for commodities disposed of and costs incurred under titles I and II of this Act, there are hereby authorized to be appropriated such sums as are equal to (1) the Corporation's investment in commodities made available for export under this title and title II of this Act, including processing, packaging, transportation, and handling costs, and (2) all costs incurred by the Corporation in making funds available to finance the exportation of surplus agricultural commodities pursuant to this title. Any funds or other assets available to the Commodity Credit Corporation may be used in advance of such appropriation or payments, for carrying out the purposes of this Act.

(b) Transactions shall not be carried out under this title which will call for appropriations to reimburse the Commodity Credit Corporation, pursuant to subsection (a) of this section, in amounts in excess of \$1,500,000,000. This limitation shall not be apportioned by year or by country, but shall be considered as an objective as well as a limitation, to be reached as rapidly as possible so long as the purposes of this Act can be achieved within the safeguards established.²

SEC. 104. Notwithstanding section 1415 of the Supplemental Appropriation Act, 1953, or any other provision of law, the President may use or enter into agreements with friendly nations or organizations of nations to use the foreign currencies which accrue under this title for one or more of the following purposes:

(a) To help develop new markets for United States agricultural commodities on a mutually benefiting basis;

(b) To purchase or contract to purchase strategic and critical materials, within the applicable terms of the Strategic and Critical Materials Stockpile Act,³ for a supplemental United States stockpile of such materials as the President may determine from time to time under contracts, including advance payment contracts, for supply extending over periods up to ten years. All strategic and

¹ Act of Oct. 9, 1940; 54 Stat. 1029.

² The figure "\$1,500,000,000" and the second sentence were added by PL 387, 84th Cong., 1st sess. (69 Stat. 721), approved Aug. 12, 1955. The figure "\$1,500,000,000" was substituted for "\$700,000,000."

³ Act of July 23, 1946; 60 Stat. 596.

critical materials acquired under authority of this title shall be placed in the above named supplemental stockpile and may be additional to the amounts acquired under authority of the Strategic and Critical Materials Stockpile Act. Materials so acquired shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stockpile Act;

(c) To procure military equipment, materials, facilities, and services for the common defense;

(d) For financing the purchase of goods or services for other friendly countries;

(e) For promoting balanced economic development and trade among nations;

(f) To pay United States obligations abroad;

(g) For loans to promote multilateral trade and economic development, made through established banking facilities of the friendly nation from which the foreign currency was obtained or in any other manner which the President may deem to be appropriate. Strategic materials, services, or foreign currencies may be accepted in payment of such loans;

(h) For the financing of international educational exchange activities under the programs authorized by section 32 (b) (2) of the Surplus Property Act of 1944,¹ as amended (50 U. S. C. App. 1641 (b)).

Provided, however, That section 1415 of the Supplemental Appropriation Act, 1953,² shall apply to all foreign currencies used for grants under subsections (d) and (e) and for payment of United States obligations involving grants under subsection (f) and to not less than 10 per centum of the foreign currencies which accrue under this title:

Provided, however, That the President is authorized to waive such applicability of section 1415 in any case where he determines that it would be inappropriate or inconsistent with the purposes of this title.

SEC. 105. Foreign currencies received pursuant to this title shall be deposited in a special account to the credit of the United States and shall be used only pursuant to section 104 of this title, and any department or agency of the government using any of such currencies for a purpose for which funds have been appropriated shall reimburse the Commodity Credit Corporation in an amount equivalent to the dollar value of the currencies used.

SEC. 106. As used in this Act, "surplus agricultural commodity" shall mean any agricultural commodity or product thereof, class, kind, type, or other specification thereof, produced in the United States, either privately or publicly owned, which is or may be reasonably expected to be in excess of domestic requirements, adequate carryover, and anticipated exports for dollars, as determined by the Secretary of Agriculture. The Secretary of Agriculture is also authorized to determine the nations with whom agreements shall be negotiated, and to determine the commodities and quantities thereof which may be

¹ Act of Oct. 3, 1944; 58 Stat. 765.

² Act of July 15, 1952; 66 Stat. 637.

cluded in the negotiations with each country after advising with her agencies of Government affected and within broad policies laid down by the President for implementing this Act.¹

SEC. 107. As used in this Act, "friendly nation" means any country other than (1) the U. S. S. R., or (2) any nation or area dominated or controlled by the foreign government or foreign organization controlling the world Communist movement.

SEC. 108. The President shall make a report to Congress with respect to the activities carried on under this Act at least once each six months and at such other times as may be appropriate and such reports shall include the dollar value, at the exchange rates in effect at the time of the sale, of the foreign currency for which commodities exported pursuant to section 102 (a) hereof are sold.

SEC. 109. No transactions shall be undertaken under authority of this title after June 30, 1957, except as required pursuant to agreements heretofore entered into pursuant to this title.

TITLE II—FAMINE RELIEF AND OTHER ASSISTANCE

SEC. 201. In order to enable the President to furnish emergency assistance on behalf of the people of the United States to friendly peoples in meeting famine or other urgent relief requirements, the Commodity Credit Corporation shall make available to the President out of its stocks such surplus agricultural commodities (as defined in section 106 of title I) from U. S. S. R. vessels in United States ports, as he may request, for transfer (1) to any nation friendly to the United States in order to meet famine or other urgent relief requirements of such nation, and (2) to friendly but needy populations without regard to the friendliness of their government.

SEC. 202. The President may authorize the transfer on a grant basis of surplus agricultural commodities from Commodity Credit Corporation stocks to assist programs undertaken with friendly governments or through voluntary relief agencies: *Provided*, That the President shall take reasonable precaution that such transfers will not displace or interfere with sales which might otherwise be made.

SEC. 203. Not more than \$300,000,000 (including the Corporation's investment in the commodities) shall be expended for all transfers, including delivery on board vessels in United States ports, under this title. The President may make such transfers through such agencies including intergovernmental organizations, in such manner, and upon such terms and conditions as he deems appropriate; he shall make use of the facilities of voluntary relief agencies to the extent practicable.

SEC. 204. No programs of assistance shall be undertaken under the authority of this title after June 30, 1957.

TITLE III—GENERAL PROVISIONS

SEC. 301. Section 407 of the Agricultural Act of 1949 is amended by adding at the end thereof the following: "Notwithstanding the fore-

¹ This sentence was added by PL 387, 84th Cong., 1st sess. (69 Stat. 721), approved Aug. 12, 1955.

going, the Corporation, on such terms and conditions as the Secretary may deem in the public interest, shall make available any farm commodity or product thereof owned or controlled by it for use in relieving distress (1) in any area in the United States declared by the President to be an acute distress area because of unemployment or other economic cause if the President finds that such use will not displace or interfere with normal marketing of agricultural commodities and (2) in connection with any major disaster determined by the President to warrant assistance by the Federal Government under Public Law 875, Eighty-first Congress,¹ as amended (42 U. S. C. 1855). Except on a reimbursable basis, the Corporation shall not bear any costs in connection with making such commodity available beyond the cost of the commodities to the Corporation in store and the handling and transportation costs in making delivery of the commodity to designated agencies at one or more central locations in each State."

SEC. 302. Section 416 of the Agricultural Act of 1949 is amended to read as follows:

"SEC. 416. In order to prevent the waste of commodities acquired through price-support operations by the Commodity Credit Corporation before they can be disposed of in normal domestic channels without impairment of the price-support program or sold abroad at competitive world prices, the Commodity Credit Corporation is authorized, on such terms and under such regulations as the Secretary may deem in the public interest: (1) upon application, to make such commodities available to any Federal agency for use in making payment for commodities not produced in the United States; (2) to barter or exchange such commodities for strategic or other materials as authorized by law; (3) in the case of food commodities to donate such commodities to the Bureau of Indian Affairs and to such State, Federal, or private agency or agencies as may be designated by the proper State or Federal authority and approved by the Secretary, for use in the United States in nonprofit school-lunch programs, in the assistance of needy persons, and in charitable institutions, including hospitals, to the extent that needy persons are served; and (4) to donate any such food commodities in excess of anticipated disposition under (1), (2), and (3) above to nonprofit voluntary agencies registered with the Committee on Voluntary Foreign Aid of the Foreign Operations Administration or other appropriate department or agency of the Federal Government and intergovernmental organizations for use in the assistance of needy persons outside the United States. In the case of (3) and (4) above the Secretary shall obtain such assurance as he deems necessary that the recipients thereof will not diminish their normal expenditures for food by reason of such donation. In order to facilitate the appropriate disposal of such commodities, the Secretary may from time to time estimate and announce the quantity of such commodities which he anticipates will become available for distribution under (3) and (4) above. The Commodity Credit Corporation may pay, with respect to commodities disposed of under this

¹ Act of Sept. 30, 1950; 64 Stat. 1109.

section, reprocessing, packaging, transporting, handling, and other charges accruing up to the time of their delivery to a Federal agency or to the designated State or private agency, in the case of commodities made available for use within the United States, or their delivery free alongside ship or free on board export carrier at point of export, in the case of commodities made available for use outside the United States. For the purpose of this section the terms 'State' and 'United States' include the District of Columbia and any Territory or possession of the United States."

SEC. 303. Whenever the Secretary has reason to believe that, in addition to other authorized methods and means of disposing of agricultural commodities owned by the Commodity Credit Corporation, there may be opportunity to protect the funds and assets of the Commodity Credit Corporation by barter or exchange of such agricultural commodities for (a) strategic materials entailing less risk of loss through deterioration or substantially less storage charges, or (b) materials, goods or equipment required in connection with foreign economic and military aid and assistance programs, or (c) materials or equipment required in substantial quantities for offshore construction programs, he is hereby directed to use every practicable means, in cooperation with other Government agencies, to arrange and make, through private trade channels, such barter or exchanges or to utilize the authority conferred on him by section 4 (h) of the Commodity Credit Corporation Charter Act,¹ as amended, to make such barter or exchanges. Agencies of the United States Government procuring such materials, goods or equipment are hereby directed to cooperate with the Secretary in the disposal of surplus agricultural commodities by means of barter or exchange. Strategic materials so acquired by the Commodity Credit Corporation shall be considered as assets of the Corporation and other agencies of the Government, in purchasing strategic materials, shall purchase such materials from Commodity Credit Corporation inventories to the extent available in fulfillment of their requirements. The Secretary is also directed to assist, through such means as are available to him, farmers' cooperatives in effecting exchange of agricultural commodities in their possession for strategic materials.

SEC. 304. The President shall exercise the authority contained herein (1) to assist friendly nations to be independent of trade with the U. S. S. R. or nations dominated or controlled by the U. S. S. R. for food, raw materials and markets, and (2) to assure that agricultural commodities sold or transferred hereunder do not result in increased availability of those or like commodities to unfriendly nations.

SEC. 305. All Commodity Credit Corporation stocks disposed of under title II of this Act and section 416 of the Agricultural Act of 1949, as amended,² shall be clearly identified by, as far as practical, appropriate marking on each package or container as being furnished by the people of the United States of America.

¹ Act of June 29, 1948: 62 Stat. 1070.

² See sec. 302 of this act.

6. FOREIGN ECONOMIC POLICY: Message by the President to the Congress, January 10, 1955¹

The Nation's enlightened self-interest and sense of responsibility as a leader among the free nations require a foreign economic program that will stimulate economic growth in the free world through enlarging opportunities for the fuller operation of the forces of free enterprise and competitive markets. Our own self-interest requires such a program because (1) economic strength among our allies is essential to our security; (2) economic growth in underdeveloped areas is necessary to lessen international instability growing out of the vulnerability of such areas to Communist penetration and subversion; and (3) an increasing volume of world production and trade will help assure our own economic growth and a rising standard of living among our own people.

In the worldwide struggle between the forces of freedom and those of communism, we have wisely recognized that the security of each nation in the free world is dependent upon the security of all other nations in the free world. The measure of that security in turn is dependent upon the economic strength of all free nations, for without economic strength they cannot support the military establishments that are necessary to deter Communist armed aggression. Economic strength is indispensable, as well, in securing themselves against internal Communist subversion.

For every country in the free world, economic strength is dependent upon high levels of economic activity internally and high levels of international trade. No nation can be economically self-sufficient. Nations must buy from other nations, and in order to pay for what they buy they must sell. It is essential for the security of the United States and the rest of the free world that the United States take the leadership in promoting the achievement of those high levels of trade that will bring to all the economic strength upon which the freedom and security of all depends. Those high levels of trade can be promoted by the specific measures with respect to trade barriers recommended in this message, by the greater flow of capital among nations of the free world, by convertibility of currencies, by an expanded interchange of technical counsel, and by an increase in international travel.

From the military standpoint, our national strength has been augmented by the overall military alliance of the nations constituting the free world. This free-world alliance will be most firmly cemented when its association is based on flourishing mutual trade as well as common ideals, interests, and aspirations. Mutually advantageous trade relationships are not only profitable, but they are also more binding and more enduring than costly grants and other forms of aid.

Today numerous uneconomic, man-made barriers to mutually advantageous trade and the flow of investment are preventing the

¹ Department of State publication 5733; 1955.

nations of the free world from achieving their full economic potential. International trade and investment are not making their full contribution to production, employment, and income. Over a large area of the world currencies are not yet convertible.

We and our friends abroad must together undertake the lowering of the unjustifiable barriers to trade and investment, and we must do it on a mutual basis so that the benefits may be shared by all.

Such action will add strength to our own domestic economy and help assure a rising standard of living among our people by opening new markets for our farms and factories and mines.

The program that I am here recommending is moderate, gradual, and reciprocal. Radical or sudden tariff reductions would not be to the interest of the United States and would not accomplish the goal we seek. A moderate program, however, can add immeasurably to the security and well-being of the United States and the rest of the free world.

TRADE AGREEMENT AUTHORITY

I request a 3-year extension of Presidential authority to negotiate tariff reductions with other nations on a gradual, selective, and reciprocal basis.¹ This authority would permit negotiations for reductions in those barriers that now limit the markets for our goods throughout the world. I shall ask all nations with whom we trade to take similar steps in their relations with each other.

The 3-year extension of the Trade Agreements Act should authorize, subject to the present peril and escape clause provisions:

1. Reduction, through multilateral and reciprocal negotiations, of tariff rates on selected commodities by not more than 5 percent per year for 3 years;

2. Reduction, through multilateral and reciprocal negotiations, of any tariff rates in excess of 50 percent to that level over a 3-year period; and

3. Reduction, by not more than one-half over a 3-year period, of tariff rates in effect on January 1, 1945, on articles which are not now being imported or which are being imported only in negligible quantities.

THE GENERAL AGREEMENT ON TARIFFS AND TRADE

For approximately 7 years the United States has cooperated with all the major trading nations of the free world in an effort to reduce trade barriers. The instrument of cooperation is the General Agreement on Tariffs and Trade. Through this agreement the United States has sought to carry out the provisions and purpose of the Trade Agreements Act.

The United States and 33 other trading countries are now reviewing the provisions of the agreement for the purpose of making it a simpler and more effective instrument for the development of a sound system of world trade. When the current negotiations on the revision of the

¹ See the Trade Agreements Extension Act of 1955; *infra*, doc. 9.

organizational provisions of the General Agreement are satisfactorily completed, the results will be submitted to the Congress for its approval.¹

CUSTOMS ADMINISTRATION AND PROCEDURE

Considerable progress has been made in freeing imports from unnecessary customs administrative burdens. Still more, however, needs to be done in the three areas I mentioned in my message last year: (1) the simplification of commodity definitions, classification, and rate structures; (2) improvement in standards for the valuation of imports; and (3) further improvement of procedures for customs administration.

An important step toward simplification of the tariff structure was taken by the Congress last year with the passage of the Customs Simplification Act, which directs the Tariff Commission to study the difficulties of commodity classification of imports. The interim report of the Tariff Commission to be made by next March 15 should help enable the Congress to determine whether further legislative steps should then be taken or should await submission of the final report.

The uncertainties and confusion arising from the complex system of valuation on imported articles cause unwarranted delays in the determination of customs duties. I urge the Congress to give favorable consideration to legislation² for remedying this situation.

The improvement of customs administration requires continuous effort, as the Congress recognized by enacting the Customs Simplification Acts of 1953 and 1954. The Treasury Department in its annual report to the Congress will review the remaining reasons for delay or difficulty in processing imported articles through customs and will propose still further technical amendments to simplify customs procedures.

UNITED STATES INVESTMENT ABROAD

The whole free world needs capital; America is its largest source. In that light, the flow of capital abroad from our country must be stimulated and in such a manner that it results in investment largely by individuals or private enterprises rather than by government.

An increased flow of United States private investment funds abroad, especially to the underdeveloped areas, could contribute much to the expansion of two-way international trade. The underdeveloped countries would thus be enabled more easily to acquire the capital equipment so badly needed by them to achieve sound economic growth and higher living standards. This would do much to offset the false but alluring promises of the Communists.

To facilitate the investment of capital abroad, I recommend enactment of legislation providing for taxation of business income from foreign subsidiaries or branches at a rate 14 percentage points lower than the corporate rate on domestic income, and a deferral of tax on

¹ See *infra*.

² H. Res. 6040 passed the House of Representatives during the 84th Cong., 1st sess. Not enacted.

income of foreign branches until it is removed from the country where it is earned.¹

I propose also to explore the further use of tax treaties with the possible recognition of tax concessions made to foreign capital by other countries. Under proper safeguards, credit could be given for foreign income taxes which are waived for an initial limited period, as we now grant credit for taxes which are imposed. This would give maximum effectiveness to foreign tax laws designed to encourage new enterprises.

As a further step to stimulate investment abroad, I recommend approval by the Congress at the appropriate time of membership in the proposed International Finance Corporation,² which will be affiliated with the International Bank for Reconstruction and Development. This corporation will be designed to increase private investment in less developed countries by making loans without Government guaranties. Although the corporation will not purchase stock, it will provide venture capital through investing in debentures and similar obligations. Its operation will cover a field not dealt with by an existing institution.

The executive branch will continue through our diplomatic representatives abroad to encourage a climate favorable to the private enterprise concept in investment.

We shall continue to seek other new ways to enlarge the outward flow of capital.

It must be recognized, however, that when American private capital moves abroad, it properly expects to bring home its fair reward. This can only be accomplished in the last analysis by our willingness to purchase more goods and services from abroad in order to provide the dollars for these growing remittances. This fact is a further compelling reason for a fair and forward-looking trade policy on our part.

TECHNICAL COOPERATION

The United States has a vast store of practical and scientific know-how that is needed in the under-developed areas of the world. The United States has a responsibility to make it available. Its flow for peaceful purposes must remain unfettered.

United States participation in technical cooperation programs should be carried forward. These programs should be concerned with know-how rather than large funds. In my budget message next week I shall recommend that the Congress make available the funds required to support the multilateral technical cooperation programs of the

¹ H. Res. 7725, not acted upon, 84th Cong., 1st sess.

² See International Finance Corporation Act (PL 350, 84th Cong., 1st sess., Aug. 11, 1955; 69 Stat. 669). The United States instrument of acceptance was deposited with the International Bank on Dec. 5, 1955. For "Articles of Agreement of the International Finance Corporation and Explanatory Memorandum, as Approved for Submission to Governments, by the Executive Directors of the International Bank for Reconstruction and Development," see H. Doc. No. 152, 84th Cong., 1st sess. An analysis of the articles is printed in H. Rept. No. 505, 84th Cong., 1st sess.

United Nations.¹ The bilateral programs of the United States should be pressed vigorously.

INTERNATIONAL TRAVEL

The United States remains committed to the objective of freedom of travel throughout the world. Encouragement given to travel abroad is extremely important, both for its cultural and social importance in the free world and for its economic benefits. Travel abroad by Americans provides an important source of dollars for many countries. The executive branch shall continue to look for ways of facilitating international travel and shall continue to cooperate with private travel agencies.

One legislative action that would be beneficial in this field is the increase of the present duty-free allowances for tourists from \$500 to \$1,000 exercisable every 6 months. I recommend the passage of such legislation.²

TRADE FAIRS

International trade fairs have been of major importance to foreign countries for many years, and most of the trading nations have strengthened the promotional aspects of their industrial displays in many fairs with a central exhibit designed to emphasize the industrial progress and achievement of the nation.

Soviet and satellite exhibits, for example, have been costly, well planned, and housed in expensive structures designed to convey the impression that the U.S.S.R. is producing on a large scale for peace and is creating a paradise for workers.

The United States, which has a larger volume of international trade than any other nation, until recently has been conspicuous by its absence at these trade fairs. American visitors and participants have pointed out the failure of their Government to tell adequately the story of our free enterprise system and to provide effective international trade promotion cooperation.

As a result, I have undertaken an international trade fair program under the direction of the Department of Commerce. Since the inauguration of this program in August, participation has been authorized in 11 fairs to be held before June 30. Sixteen additional fairs are being considered for exhibition purposes in the latter part of the year. The first fair in which the United States presented a central exhibit is that at Bangkok, which opened December 7, 1954. At it our exhibit was awarded first prize. Over 100 American companies supplied items for inclusion in it.

I shall ask the Congress for funds to continue this program.³

CONVERTIBILITY

Convertibility of currencies is required for the development of a steadily rising volume of world trade and investment. The achieve-

¹ See sec. 30b of the Mutual Security Act of 1954 as amended; *infra*, p. 3118.

² H. Res. 1795, 84th Cong., 1st sess. Not enacted.

³ No specific legislation was requested in 1955. The program was financed from the President's emergency funds.

ment of convertibility has not been possible in the postwar period due to dislocations caused by the war, inflation, and other domestic economic difficulties in many countries, which have contributed to an imbalance in international trade and payments. However, steady progress, particularly by Western European countries, is being made toward our mutual objective of restoring currency convertibility. The foreign economic program proposed here will make an important contribution to the achievement of convertibility.

AGRICULTURE

No single group within America has a greater stake in a healthy and expanding foreign trade than the farmers. One-fourth to one-third of some major crops, such as wheat, cotton, and tobacco, must find markets abroad in order to maintain farm income at high levels.

If they are to be successful, programs designed to promote the prosperity of agriculture should be consistent with our foreign economic program. We must take due account of the effect of any agricultural program on our foreign economic relations to assure that it contributes to the development of healthy, expanding foreign markets over the years.

CONCLUSION

The series of recommendations I have just made are all components of an integrated program, pointing in a single direction. Each contributes to the whole. Each advances our national security by bringing added strength and self-sufficiency to our allies. Each contributes to our economic growth and a rising standard of living among our people.

7. GENERAL AGREEMENT ON TARIFFS AND TRADE (GATT): Text of October 30, 1947, as Amended at the Ninth Session of the Contracting Parties, March 10, 1955¹

PART I

Article I

Objectives

1. The contracting parties recognize that their relations in the field of trade and economic endeavour should be conducted with a view to raising standards of living, ensuring full employment and a

¹ *General Agreement on Tariffs and Trade: Basic Instruments and Selected Documents*, vol. I (Revised), *Texts of the General Agreement, as Amended, and of the Agreement on the Organization for Trade Cooperation* (Geneva, The Contracting Parties to the General Agreement on Tariffs and Trade, April 1955), pp. 7-74. GATT was negotiated by 23 nations, signed at Geneva on Oct. 30, 1947, and, under the Protocol of Provisional Application of the same date, entered into force for the United States and seven other important trading nations on Jan. 1, 1948 (see TIAS 1700; 61 Stat., pts. 5 and 6). Adherents to the agreement had increased to 35 by the end of calendar year 1955. Rounds of multilateral tariff

large and steadily growing volume of real income and effective demand, developing the full use of the resources of the world and expanding the production and exchange of goods, and promoting the progressive development of the economies of all the contracting parties.

2. The contracting parties desire to contribute to these objectives through this Agreement by entering into reciprocal and mutually advantageous arrangements directed to the substantial reduction of tariffs and other barriers to trade and to the elimination of discriminatory treatment in international commerce.

Article II

General Most-Favoured-Nation Treatment

1. With respect to customs duties and charges of any kind imposed on or in connection with importation or exportation or imposed on the international transfer of payments for imports or exports, and with respect to the method of levying such duties and charges, and with respect to all rules and formalities in connection with importation and exportation, and with respect to the application of internal taxes to exported goods, and with respect to all matters referred to in paragraphs 2 and 4 of Article IV, any advantage, favour, privilege or immunity granted by any contracting party to any product originating in or destined for any other country shall be accorded immediately and unconditionally to the like product originating in or destined for the territories of all other contracting parties.

2. The provisions of paragraph 1 of this Article shall not require the elimination of any preferences in respect of import duties or charges which do not exceed the levels provided for in paragraph 4 of this Article and which fall within the following descriptions:

- (a) preferences in force exclusively between two or more of the territories listed in Annex A, subject to the conditions set forth therein;
- (b) preferences in force exclusively between two or more territories which on 1 July 1939, were connected by common sovereignty or relations of protection or suzerainty and which are listed in Annexes B, C and D, subject to the conditions set forth therein;
- (c) preferences in force exclusively between the United States of America and the Republic of Cuba;

negotiations took place at Annecy, France, in 1949, and at Torquay, England, in 1950-1951. Still another negotiating session opened at Geneva on Jan. 18, 1956.

By 1953, it became apparent that the General Agreement, particularly its organizational provisions, needed revision. The Ninth Session of the Contracting Parties at Geneva, Oct. 28, 1954-Mar. 7, 1955, reviewed the document and proposed certain changes, which are incorporated in the text cited above, and prepared an Agreement on the Organization for Trade Cooperation (*infra*) "to further . . . the achievement of the purposes and objectives" set forth in GATT. The amendments to GATT were accepted by the United States on Mar. 21, 1955. The Agreement on OTC is still before Congress (June 15, 1956). Meanwhile, GATT continues to operate under provisional arrangements. (See H. Rept. 2007, 84th Cong., 2d sess.).

- (d) preferences in force exclusively between neighbouring countries listed in Annex E.

3. The provisions of paragraph 1 shall not apply to preferences between the countries formerly a part of the Ottoman Empire and detached from it on 24 July 1923;¹ *Provided* that such preferences are approved under paragraph 5 of Article XXV.

4. The margin of preference on any product in respect of which a preference is permitted under paragraph 2 of this Article but is not specifically set forth as a maximum margin of preference in the appropriate Schedule² annexed to this Agreement shall not exceed:

- (a) in respect of duties or charges on any product described in such Schedule, the difference between the most-favoured-nation and preferential rates provided for therein; if no preferential rate is provided for, the preferential rate shall for the purposes of this paragraph be taken to be that in force on 10 April 1947, and, if no most-favoured-nation rate is provided for, the margin shall not exceed the difference between the most-favoured-nation and preferential rates existing on 10 April 1947;
- (b) in respect of duties or charges on any product not described in the appropriate Schedule, the difference between the most-favoured-nation and preferential rates existing on 10 April 1947.

In the case of the contracting parties named in Annex F, the date of 10 April 1947, referred to in sub-paragraphs (a) and (b) of this paragraph shall be replaced by the respective dates set forth in that Annex.

Article III

Schedules of Concessions

1. (a) Each contracting party shall accord to the commerce of the other contracting parties treatment no less favourable than that provided for in the appropriate Part of the appropriate Schedule annexed to this Agreement.

(b) The products described in Part I of the Schedule relating to any contracting party, which are the products of territories of other contracting parties, shall, on their importation into the territory to which the Schedule relates, and subject to the terms, conditions or qualifications set forth in that Schedule, be exempt from ordinary customs duties in excess of those set forth and provided for therein. Such products shall also be exempt from all other duties or charges of any kind imposed on or in connection with importation, including charges of any kind imposed on the international transfer of payments for imports, in excess of those imposed on the date of this Agreement or those directly and mandatorily required to be imposed thereafter by legislation in force in the importing territory on that date.

¹ The treaty of peace between the Allied Powers and Turkey, signed at Lausanne; 23 League of Nations Treaty Series 115.

² Schedules not reprinted.

(c) The products described in Part II of the Schedule relating to any contracting party which are the products of territories entitled under Article II to receive preferential treatment upon importation into the territory to which the Schedule relates shall, on their importation into such territory, and subject to the terms, conditions or qualifications set forth in that Schedule, be exempt from ordinary customs duties in excess of those set forth and provided for in Part II of that Schedule. Such products shall also be exempt from all other duties or charges of any kind imposed on or in connection with importation, including charges of any kind imposed on the international transfer of payments for imports, in excess of those imposed on the date of this Agreement or those directly and mandatorily required to be imposed thereafter by legislation in force in the importing territory on that date. Nothing in this Article shall prevent any contracting party from maintaining its requirements existing on the date of this Agreement as to the eligibility of goods for entry at preferential rates of duty.

2. Nothing in this Article shall prevent any contracting party from imposing at any time on the importation of any product:

- (a) a charge equivalent to an internal tax imposed consistently with the provisions of paragraph 2 of Article IV in respect of the like domestic product or in respect of an article from which the imported product has been manufactured or produced in whole or in part;
- (b) any anti-dumping or countervailing duty applied consistently with the provisions of Article VI;
- (c) fees or other charges commensurate with the cost of services rendered

3. No contracting party shall alter its method of determining dutiable value or of converting currencies so as to impair the value of any of the concessions provided for in the appropriate Schedule annexed to this Agreement.

4. If any contracting party establishes, maintains or authorizes, formally or in effect, a monopoly of the importation of any product described in the appropriate Schedule annexed to this Agreement, such monopoly shall not, except as provided for in that Schedule or as otherwise agreed between the parties which initially negotiated the concession, operate so as to afford protection on the average in excess of the amount of protection provided for in that Schedule. The provisions of this paragraph shall not limit the use by contracting parties of any form of assistance to domestic producers permitted by other provisions of this Agreement.

5. If any contracting party considers that a product is not receiving from another contracting party the treatment which the first contracting party believes to have been contemplated by a concession provided for in the appropriate Schedule annexed to this Agreement, it shall bring the matter directly to the attention of the other contracting party. If the latter agrees that the treatment contemplated was that claimed by the first contracting party, but declares that such treatment cannot be accorded because a court or

her proper authority has ruled to the effect that the product involved not be classified under the tariff laws of such contracting party as to permit the treatment contemplated in this Agreement, the contracting parties, together with any other contracting parties substantially interested, shall enter promptly into further negotiations with a view to a compensatory adjustment of the matter.

6. (a) The specific duties and charges included in the Schedules relating to contracting parties members of the International Monetary Fund,¹ and margins of preference in specific duties and charges maintained by such contracting parties, are expressed in the appropriate currency at the par value accepted or at the rate of exchange recognized by the Fund at the date of this Agreement. Accordingly, in case the par value accepted or the rate of exchange recognized by the Fund is reduced consistently with the Articles of Agreement of the Fund by more than twenty per centum, such specific duties and charges and margins of preference may be adjusted to take account of such reduction; *Provided* that the Organization for Trade Cooperation² hereinafter referred to as "the Organization") concurs that such adjustments will not impair the value of the concessions provided for in the appropriate Schedule or elsewhere in this Agreement, due account being taken of all factors which may influence the need for, and urgency of, such adjustments.

(b) Similar provisions shall apply to any contracting party not a member of the Fund, as from the date on which such contracting party becomes a member of the Fund or enters into a special exchange agreement in pursuance of Article XV.

7. The Schedules³ annexed to this Agreement are hereby made integral part of Part I of this Agreement.

PART II

Article IV

National Treatment on Internal Taxation and Regulation

1. The contracting parties recognize that internal taxes and other internal charges, and laws, regulations and requirements affecting the internal sale, offering for sale, purchase, transportation, distribution or use of products, and internal quantitative regulations requiring the mixture, processing or use of products in specified amounts or proportions, should not be applied to imported or domestic products so as to afford protection to domestic production.

2. The products of the territory of any contracting party imported into the territory of any other contracting party shall not be subject, directly or indirectly, to internal taxes or other internal charges of any kind in excess of those applied, directly or indirectly, to like domestic

¹For Articles of Agreement of the International Monetary Fund, July 22, 1944, *A Decade of American Foreign Policy*, pp. 273-304.

²For the Agreement on the Organization for Trade Cooperation, see *infra*.

³Schedules not reprinted here.

products. Moreover, no contracting party shall otherwise apply internal taxes or other internal charges to imported or domestic products in a manner contrary to the principles set forth in paragraph 1.

3. With respect to any existing internal tax which is inconsistent with the provisions of paragraph 2, but which is specifically authorized under a trade agreement, in force on 10 April 1947, in which the import duty on the taxed product is bound against increase, the contracting party imposing the tax shall be free to postpone the application of the provisions of paragraph 2 to such tax until such time as it can obtain release from the obligations of such trade agreement in order to permit the increase of such duty to the extent necessary to compensate for the elimination of the protective element of the tax.

4. The products of the territory of any contracting party imported into the territory of any other contracting party shall be accorded treatment no less favourable than that accorded to like products of national origin in respect of all laws, regulations and requirements affecting their internal sale, offering for sale, purchase, transportation, distribution or use. The provisions of this paragraph shall not prevent the application of differential internal transportation charges which are based exclusively on the economic operation of the means of transport and not on the nationality of the product.

5. No contracting party shall establish or maintain any internal quantitative regulation relating to the mixture, processing or use of products in specified amounts or proportions which requires, directly or indirectly, that any specified amount or proportion of any product which is the subject of the regulation must be supplied from domestic sources. Moreover, no contracting party shall otherwise apply internal quantitative regulations in a manner contrary to the principles set forth in paragraph 1.

6. The provisions of paragraph 5 shall not apply to any internal quantitative regulation in force in the territory of any contracting party on 1 July 1939, 10 April 1947, or 24 March 1948, at the option of that contracting party; *Provided* that any such regulation which is contrary to the provisions of paragraph 5 shall not be modified to the detriment of imports and shall be treated as a customs duty for the purpose of negotiation.

7. No internal quantitative regulation relating to the mixture, processing or use of products in specified amounts or proportions shall be applied in such a manner as to allocate any such amount or proportion among external sources of supply.

8. (a) The provisions of this Article shall not apply to laws, regulations or requirements governing the procurement by governmental agencies of products purchased for governmental purposes and not with a view to commercial resale or with a view to use in the production of goods for commercial sale.

(b) The provisions of this Article shall not prevent the payment of subsidies exclusively to domestic producers, including payments to domestic producers derived from the proceeds of internal taxes or charges applied consistently with the provisions of this Article and

subsidies effected through governmental purchases of domestic products.

9. The contracting parties recognize that internal maximum price control measures, even though conforming to the other provisions of this Article, can have effects prejudicial to the interests of contracting parties supplying imported products. Accordingly, contracting parties applying such measures shall take account of the interests of exporting contracting parties with a view to avoiding to the fullest practicable extent such prejudicial effects.

10. The provisions of this Article shall not prevent any contracting party from establishing or maintaining internal quantitative regulations relating to exposed cinematograph films. If any contracting party establishes or maintains such regulations they shall take the form of screen quotas which shall conform to the following requirements:

- (a) screen quotas may require the exhibition of cinematograph films of national origin during a specified minimum proportion of the total screen time actually utilized, over a specified period of not less than one year, in the commercial exhibition of all films of whatever origin, and shall be computed on the basis of screen time per theatre per year or the equivalent thereof;
- (b) with the exception of screen time reserved for films of national origin under a screen quota, screen time including that released by administrative action from screen time reserved for films of national origin, shall not be allocated formally or in effect among sources of supply;
- (c) notwithstanding the provisions of sub-paragraph (b) of this paragraph, any contracting party may maintain screen quotas conforming to the requirements of sub-paragraph (a) of this paragraph which reserve a minimum proportion of screen time for films of a specified origin other than that of the contracting party imposing such screen quotas; *Provided* that no such minimum proportion of screen time shall be increased above the level in effect on 10 April 1947;
- (d) screen quotas shall be subject to negotiation for their limitation, liberalization or elimination.

Article V

Freedom of Transit

1. Goods (including baggage), and also vessels and other means of transport, shall be deemed to be in transit across the territory of a contracting party when the passage across such territory, with or without trans-shipment, warehousing, breaking bulk, or change in the mode of transport, is only a portion of a complete journey beginning and terminating beyond the frontier of the contracting party across whose territory the traffic passes. Traffic of this nature is termed in this Article "traffic in transit".

2. There shall be freedom of transit through the territory of each

contracting party, via the routes most convenient for international transit, for traffic in transit to or from the territory of other contracting parties. No distinction shall be made which is based on the flag of vessels, the place of origin, departure, entry, exit or destination, or on any circumstances relating to the ownership of goods, of vessels or of other means of transport.

3. Any contracting party may require that traffic in transit through its territory be entered at the proper custom house, but, except in cases of failure to comply with applicable customs laws and regulations, such traffic coming from or going to the territory of other contracting parties shall not be subject to any unnecessary delays or restrictions and shall be exempt from customs duties and from all transit duties or other charges imposed in respect of transit, except charges for transportation or those commensurate with administrative expenses entailed by transit or with the cost of services rendered.

4. All charges and regulations imposed by contracting parties on traffic in transit to or from the territories of other contracting parties shall be reasonable, having regard to the conditions of the traffic.

5. With respect to all charges, regulations and formalities in connection with transit, each contracting party shall accord to traffic in transit to or from the territory of any other contracting party treatment no less favourable than the treatment accorded to traffic in transit to or from any third country.

6. Each contracting party shall accord to products which have been in transit through the territory of any other contracting party treatment no less favourable than that which would have been accorded to such products had they been transported from their place of origin to their destination without going through the territory of such other contracting party. Any contracting party shall, however, be free to maintain its requirements of direct consignment existing on the date of this Agreement, in respect of any goods in regard to which such direct consignment is a requisite condition of eligibility for entry of the goods at preferential rates of duty or has relation to the contracting party's prescribed method of valuation for duty purposes.

7. The provisions of this Article shall not apply to the operation of aircraft in transit, but shall apply to air transit of goods (including baggage).

Article VI

Anti-dumping and Countervailing Duties

1. The contracting parties recognize that dumping, by which products of one country are introduced into the commerce of another country at less than the normal value of the products, is to be condemned if it causes or threatens material injury to an established industry in the territory of a contracting party or materially retards the establishment of a domestic industry. For the purposes of this Article, a product is to be considered as being introduced into the

commerce of an importing country at less than its normal value, if the price of the product exported from one country to another

- (a) is less than the comparable price, in the ordinary course of trade, for the like product when destined for consumption in the exporting country, or,
- (b) in the absence of such domestic price, is less than either
 - (i) the highest comparable price for the like product for export to any third country in the ordinary course of trade, or
 - (ii) the cost of production of the product in the country of origin plus a reasonable addition for selling cost and profit.

Due allowance shall be made in each case for differences in conditions and terms of sale, for differences in taxation, and for other differences affecting price comparability.

2. In order to offset or prevent dumping, a contracting party may levy on any dumped product an anti-dumping duty not greater in amount than the margin of dumping in respect of such product. For the purposes of this Article, the margin of dumping is the price difference determined in accordance with the provisions of paragraph 1.

3. No countervailing duty shall be levied on any product of the territory of any contracting party imported into the territory of another contracting party in excess of an amount equal to the estimated bounty or subsidy determined to have been granted, directly or indirectly, on the manufacture, production or export of such product in the country of origin or exportation, including any special subsidy to the transportation of a particular product. The term "countervailing duty" shall be understood to mean a special duty levied for the purpose of offsetting any bounty or subsidy bestowed, directly or indirectly, upon the manufacture, production or export of any merchandise.

4. No product of the territory of any contracting party imported into the territory of any other contracting party shall be subject to anti-dumping or countervailing duty by reason of the exemption of such product from duties or taxes borne by the like product when destined for consumption in the country of origin or exportation, or by reason of the refund of such duties or taxes.

5. No product of the territory of any contracting party imported into the territory of any other contracting party shall be subject to both anti-dumping and countervailing duties to compensate for the same situation of dumping or export subsidization.

6. (a) No contracting party shall levy any anti-dumping or countervailing duty on the importation of any product of the territory of another contracting party unless it determines that the effect of the dumping or subsidization, as the case may be, is such as to cause or threaten material injury to an established domestic industry, or is such as to retard materially the establishment of a domestic industry.

(b) The Organization may waive the requirement of subparagraph (a) of this paragraph so as to permit a contracting party to levy an anti-dumping or countervailing duty on the importation

of any product for the purpose of offsetting dumping or subsidization which causes or threatens material injury to an industry in the territory of another contracting party exporting the product concerned to the territory of the importing contracting party. The Organization shall waive the requirements of sub-paragraph (a) of this paragraph, so as to permit the levying of a countervailing duty, in cases in which they find that a subsidy is causing or threatening material injury to an industry in the territory of another contracting party exporting the product concerned to the territory of the importing contracting party.

(c) In exceptional circumstances, however, where delay might cause damage which would be difficult to repair, a contracting party may levy a countervailing duty for the purpose referred to in sub-paragraph (b) of this paragraph without the prior approval of the Organization; *Provided* that such action shall be reported immediately to the Organization and that the countervailing duty shall be withdrawn promptly if the Organization disapproves.

7. A system for the stabilization of the domestic price or of the return to domestic producers of a primary commodity, independently of the movements of export prices, which results at times in the sale of the commodity for export at a price lower than the comparable price charged for the like commodity to buyers in the domestic market, shall be presumed not to result in material injury within the meaning of paragraph 6 if it is determined by consultation among the contracting parties substantially interested in the commodity concerned that:

- (a) the system has also resulted in the sale of the commodity for export at a price higher than the comparable price charged for the like commodity to buyers in the domestic market, and
- (b) the system is so operated, either because of the effective regulation of production, or otherwise, as not to stimulate exports unduly or otherwise seriously prejudice the interests of other contracting parties.

Article VII

Valuation for Customs Purposes

1. The contracting parties recognize the validity of the general principles of valuation set forth in the following paragraphs of this Article, and they undertake to give effect to such principles, in respect of all products subject to duties or other charges or restrictions on importation and exportation based upon or regulated in any manner by value. Moreover, they shall, upon a request by another contracting party, review the operation of any of their laws or regulations relating to value for customs purposes in the light of these principles. The Organization may request from contracting parties reports on steps taken by them in pursuance of the provisions of this Article.

2. (a) The value for customs purposes of imported merchandise should be based on the actual value of the imported merchandise on

which duty is assessed, or of like merchandise, and should not be based on the value of merchandise of national origin or on arbitrary or fictitious values.

(b) "Actual value" should be the price at which, at a time and place determined by the legislation of the country of importation, such or like merchandise is sold or offered for sale in the ordinary course of trade under fully competitive conditions. To the extent to which the price of such or like merchandise is governed by the quantity in a particular transaction, the price to be considered should uniformly be related to either (i) comparable quantities, or (ii) quantities not less favourable to importers than those in which the greater volume of the merchandise is sold in the trade between the countries of exportation and importation.

(c) When the actual value is not ascertainable in accordance with sub-paragraph (b) of this paragraph, the value for customs purposes should be based on the nearest ascertainable equivalent of such value.

3. The value for customs purposes of any imported product should not include the amount of any internal tax, applicable within the country of origin or export, from which the imported product has been exempted or has been or will be relieved by means of refund.

4. (a) Except as otherwise provided for in this paragraph, where it is necessary for the purposes of paragraph 2 of this Article for a contracting party to convert into its own currency a price expressed in the currency of another country, the conversion rate of exchange to be used shall be based, for each currency involved, on the par value as established pursuant to the Articles of Agreement of the International Monetary Fund or on the rate of exchange recognized by the Fund, or on the par value established in accordance with a special exchange agreement entered into pursuant to Article XV of this Agreement.

(b) Where no such established par value and no such recognized rate of exchange exist, the conversion rate shall reflect effectively the current value of such currency in commercial transactions.

(c) The Organization, in agreement with the International Monetary Fund, shall formulate rules governing the conversion by contracting parties of any foreign currency in respect of which multiple rates of exchange are maintained consistently with the Articles of Agreement of the International Monetary Fund. Any contracting party may apply such rules in respect of such foreign currencies for the purposes of paragraph 2 of this Article as an alternative to the use of par values. Until such rules are adopted by the Organization, any contracting party may employ, in respect of any such foreign currency, rules of conversion for the purposes of paragraph 2 of this Article which are designed to reflect effectively the value of such foreign currency in commercial transactions.

(d) Nothing in this paragraph shall be construed to require any contracting party to alter the method of converting currencies for customs purposes which is applicable in its territory on the date of

this Agreement, if such alteration would have the effect of increasing generally the amounts of duty payable.

5. The bases and methods for determining the value of products subject to duties or other charges or restrictions based upon or regulated in any manner by value should be stable and should be given sufficient publicity to enable traders to estimate, with a reasonable degree of certainty, the value for customs purposes.

Article VIII

Fees and Formalities connected with Importation and Exportation

1. (a) All fees and charges of whatever character (other than import and export duties and other than taxes within the purview of Article IV) imposed by contracting parties on or in connection with importation or exportation shall be limited in amount to the approximate cost of services rendered and shall not represent an indirect protection to domestic products or a taxation of imports or exports for fiscal purposes.

(b) The contracting parties recognize the need for reducing the number and diversity of fees and charges referred to in subparagraph (a).

(c) The contracting parties also recognize the need for minimizing the incidence and complexity of import and export formalities and for decreasing and simplifying import and export documentation requirements.

2. A contracting party shall, upon request by another contracting party or by the Organization, review the operation of its laws and regulations in the light of the provisions of this Article.

3. No contracting party shall impose substantial penalties for minor breaches of customs regulations or procedural requirements. In particular, no penalty in respect of any omission or mistake in customs documentation which is easily rectifiable and obviously made without fraudulent intent or gross negligence shall be greater than necessary to serve merely as a warning.

4. The provisions of this Article shall extend to fees, charges, formalities and requirements imposed by governmental authorities in connection with importation and exportation, including those relating to:

- (a) consular transactions, such as consular invoices and certificates;
- (b) quantitative restrictions;
- (c) licensing;
- (d) exchange control;
- (e) statistical services;
- (f) documents, documentation and certification;
- (g) analysis and inspection; and
- (h) quarantine, sanitation and fumigation.

Article IX

Marks of Origin

1. Each contracting party shall accord to the products of the territories of other contracting parties treatment with regard to marking requirements no less favourable than the treatment accorded to like products of any third country.

2. The contracting parties recognize that, in adopting and enforcing laws and regulations relating to marks of origin, the difficulties and inconveniences which such measures may cause to the commerce and industry of exporting countries should be reduced to a minimum, due regard being had to the necessity of protecting consumers against fraudulent or misleading indications.

3. Whenever it is administratively practicable to do so, contracting parties should permit required marks of origin to be affixed at the time of importation.

4. The laws and regulations of contracting parties relating to the marking of imported products shall be such as to permit compliance without seriously damaging the products, or materially reducing their value, or unreasonably increasing their cost.

5. As a general rule, no special duty or penalty should be imposed by any contracting party for failure to comply with marking requirements prior to importation unless corrective marking is unreasonably delayed or deceptive marks have been affixed or the required marking has been intentionally omitted.

6. The contracting parties shall co-operate with each other with a view to preventing the use of trade names in such manner as to misrepresent the true origin of a product, to the detriment of such distinctive regional or geographical names of products of the territory of a contracting party as are protected by its legislation. Each contracting party shall accord full and sympathetic consideration to such requests or representations as may be made by any other contracting party regarding the application of the undertaking set forth in the preceding sentence to names of products which have been communicated to it by the other contracting party.

Article X

Publication and Administration of Trade Regulations

1. Laws, regulations, judicial decisions and administrative rulings of general application, made effective by any contracting party, pertaining to the classification or the valuation of products for customs purposes, or to rates of duty, taxes or other charges, or to requirements, restrictions or prohibitions on imports or exports or on the transfer of payments therefor, or affecting their sale, distribution, transportation, insurance, warehousing, inspection, exhibition, processing, mixing or other use, shall be published promptly in such a manner as to enable governments and traders to become acquainted with them. Agreements affecting international trade policy which are in

force between the government or a governmental agency of any contracting party and the government or governmental agency of any other contracting party shall also be published. The provisions of this paragraph shall not require any contracting party to disclose confidential information which would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interests of particular enterprises, public or private.

2. No measure of general application taken by any contracting party effecting an advance in a rate of duty or other charge on imports under an established and uniform practice, or imposing a new or more burdensome requirement, restriction or prohibition on imports, or on the transfer of payments therefor, shall be enforced before such measure has been officially published.

3. (a) Each contracting party shall administer in a uniform, impartial and reasonable manner all its laws, regulations, decisions and rulings of the kind described in paragraph 1 of this Article.

(b) Each contracting party shall maintain, or institute as soon as practicable, judicial, arbitral or administrative tribunals or procedures for the purpose, *inter alia*, of the prompt review and correction of administrative action relating to customs matters. Such tribunals or procedures shall be independent of the agencies entrusted with administrative enforcement and their decisions shall be implemented by, and shall govern the practice of, such agencies unless an appeal is lodged with a court or tribunal of superior jurisdiction within the time prescribed for appeals to be lodged by importers; *Provided* that the central administration of such agency may take steps to obtain a review of the matter in another proceeding if there is good cause to believe that the decision is inconsistent with established principles of law or the actual facts.

(c) The provisions of sub-paragraph (b) of this paragraph shall not require the elimination or substitution of procedures in force in the territory of a contracting party on the date of this Agreement which in fact provide for an objective and impartial review of administrative action even though such procedures are not fully or formally independent of the agencies entrusted with administrative enforcement. Any contracting party employing such procedures shall, upon request, furnish the Organization with full information thereon in order that they may determine whether such procedures conform to the requirements of this sub-paragraph.

Article XI

General Elimination of Quantitative Restrictions

1. No prohibitions or restrictions other than duties, taxes or other charges, whether made effective through quotas, import or export licenses or other measures, shall be instituted or maintained by any contracting party on the importation of any product of the territory of any other contracting party or on the exportation or sale for export

of any product destined for the territory of any other contracting party.

2. The provisions of paragraph 1 of this Article shall not extend to the following:

- (a) Export prohibitions or restrictions temporarily applied to prevent or relieve critical shortages of foodstuffs or other products essential to the exporting contracting party;
- (b) Import and export prohibitions or restrictions necessary to the application of standards or regulations for the classification, grading or marketing of commodities in international trade;
- (c) Import restrictions on any agricultural or fisheries product, imported in any form, necessary to the enforcement of governmental measures which operate:
 - (i) to restrict the quantities of the like domestic product permitted to be marketed or produced, or, if there is no substantial domestic production of the like product, of a domestic product for which the imported product can be directly substituted; or
 - (ii) to remove a temporary surplus of the like domestic product, or, if there is no substantial domestic production of the like product, of a domestic product for which the imported product can be directly substituted, by making the surplus available to certain groups of domestic consumers free of charge or at prices below the current market level; or
 - (iii) to restrict the quantities permitted to be produced of any animal product the production of which is directly dependent, wholly or mainly, on the imported commodity, if the domestic production of that commodity is relatively negligible.

Any contracting party applying restrictions on the importation of any product pursuant to sub-paragraph (c) of this paragraph shall give public notice of the total quantity or value of the product permitted to be imported during a specified future period and of any change in such quantity or value. Moreover, any restrictions applied under (i) above shall not be such as will reduce the total of imports relative to the total of domestic production, as compared with the proportion which might reasonably be expected to rule between the two in the absence of restrictions. In determining this proportion, the contracting party shall pay due regard to the proportion prevailing during a previous representative period and to any special factors which may have affected or may be affecting the trade in the product concerned.

Article XII

Restrictions to Safeguard the Balance of Payments

1. Notwithstanding the provisions of paragraph 1 of Article XI, any contracting party, in order to safeguard its external financial

position and its balance of payments, may restrict the quantity or value of merchandise permitted to be imported, subject to the provisions of the following paragraphs of this Article.

2. (a) Import restrictions instituted, maintained or intensified by a contracting party under this Article shall not exceed those necessary:

- (i) to forestall the imminent threat of, or to stop, a serious decline in its monetary reserves, or
- (ii) in the case of a contracting party with very low monetary reserves, to achieve a reasonable rate of increase in its reserves.

Due regard shall be paid in either case to any special factors which may be affecting the reserves of such contracting party or its need for reserves, including, where special external credits or other resources are available to it, the need to provide for the appropriate use of such credits or resources.

(b) Contracting parties applying restrictions under sub-paragraph (a) of this paragraph shall progressively relax them as such conditions improve, maintaining them only to the extent that the conditions specified in that sub-paragraph still justify their application. They shall eliminate the restrictions when conditions would no longer justify their institution or maintenance under that sub-paragraph.

3. (a) Contracting parties undertake, in carrying out their domestic policies, to pay due regard to the need for maintaining or restoring equilibrium in their balance of payments on a sound and lasting basis and to the desirability of avoiding an uneconomic employment of productive resources. They recognize that in order to achieve these ends, it is desirable so far as possible to adopt measures which expand rather than contract international trade.

(b) Contracting parties applying restrictions under this Article may determine the incidence of the restrictions on imports of different products or classes of products in such a way as to give priority to the importation of those products which are more essential.

(c) Contracting parties applying restrictions under this Article undertake:

- (i) to avoid unnecessary damage to the commercial or economic interests of any other contracting party;
- (ii) not to apply restrictions so as to prevent unreasonably the importation of any description of goods in minimum commercial quantities the exclusion of which would impair regular channels of trade; and
- (iii) not to apply restrictions which would prevent the importation of commercial samples or prevent compliance with patent, trade mark, copyright, or similar procedures.

(d) The contracting parties recognize that, as a result of domestic policies directed towards the achievement and maintenance of full and productive employment or towards the development of economic resources, a contracting party may experience a high level of demand for imports involving a threat to its monetary reserves of the sort.

referred to in paragraph 2 (a) of this Article. Accordingly, a contracting party otherwise complying with the provisions of this Article shall not be required to withdraw or modify restrictions on the ground that a change in those policies would render unnecessary restrictions which it is applying under this Article.

4. (a) Any contracting party applying new restrictions or raising the general level of its existing restrictions by a substantial intensification of the measures applied under this Article shall immediately after instituting or intensifying such restrictions (or, in circumstances in which prior consultation is practicable, before doing so) consult with the Organization as to the nature of its balance of payments difficulties, alternative corrective measures which may be available, and the possible effect of the restrictions on the economies of other contracting parties.

(b) On a date to be determined by it, the Organization shall review all restrictions still applied under this Article on that date. Beginning one year after that date contracting parties applying import restrictions under this Article shall enter into consultations of the type provided for in sub-paragraph (a) of this paragraph with the Organization annually.

(c) (i) If, in the course of consultations, with a contracting party under sub-paragraph (a) or (b) above, the Organization finds that the restrictions are not consistent with the provisions of this Article or with those of Article XIII (subject to the provisions of Article XIV), it shall indicate the nature of the inconsistency and may advise that the restrictions be suitably modified.

(ii) If, however, as a result of the consultations, the Organization determines that the restrictions are being applied in a manner involving an inconsistency of a serious nature with the provisions of this Article or with those of Article XIII (subject to the provisions of Article XIV) and that damage to the trade of any contracting party is caused or threatened thereby, it shall so inform the contracting party applying the restrictions and shall make appropriate recommendations for securing conformity with such provisions within a specified period of time. If such contracting party does not comply with these recommendations within the specified period, the Organization may release any contracting party the trade of which is adversely affected by the restrictions from such obligations under this Agreement towards the contracting party applying the restrictions as it determines to be appropriate in the circumstances.

(d) The Organization shall invite any contracting party which is applying restrictions under this Article to enter into consultations with it at the request of any contracting party which can establish a *prima facie* case that the restrictions are inconsistent with the provisions of this Article or with those of Article XIII (subject to the provisions of Article XIV) and that its trade is adversely affected thereby. However, no such invitation shall be issued unless the Organization has ascertained that direct discussions between the contracting parties concerned have not been successful. If, as a

result of the consultations with the Organization, no agreement is reached and it determines that the restrictions are being applied inconsistently with such provisions, and that damage to the trade of the contracting party initiating the procedure is caused or threatened thereby, it shall recommend the withdrawal or modification of the restrictions. If the restrictions are not withdrawn or modified within such time as the Organization may prescribe, it may release the contracting party initiating the procedure from such obligations under this Agreement towards the contracting party applying the restrictions as it determines to be appropriate in the circumstances.

(e) In proceeding under this paragraph, the Organization shall have due regard to any special external factors adversely affecting the export trade of the contracting party applying restrictions.

(f) Determinations under this paragraph shall be rendered expeditiously and, if possible, within sixty days of the initiation of the consultations.

5. If there is a persistent and widespread application of import restrictions under this Article, indicating the existence of a general disequilibrium which is restricting international trade, the Organization shall initiate discussions to consider whether other measures might be taken, either by those contracting parties the balances of payments of which are under pressure or by those the balances of payments of which are tending to be exceptionally favourable, or by any appropriate intergovernmental organization, to remove the underlying causes of the disequilibrium. On the invitation of the Organization, contracting parties shall participate in such discussions.

Article XIII

Non-discriminatory Administration of Quantitative Restrictions

1. No prohibition or restriction shall be applied by any contracting party on the importation of any product of the territory of any other contracting party or on the exportation of any product destined for the territory of any other contracting party, unless the importation of the like product of all third countries or the exportation of the like product to all third countries is similarly prohibited or restricted.

2. In applying import restrictions to any product, contracting parties shall aim at a distribution of trade in such product approaching as closely as possible the shares which the various contracting parties might be expected to obtain in the absence of such restrictions, and to this end shall observe the following provisions:

- (a) Wherever practicable, quotas representing the total amount of permitted imports (whether allocated among supplying countries or not) shall be fixed, and notice given of their amount in accordance with paragraph 3 (b) of this Article;
- (b) In cases in which quotas are not practicable, the restrictions may be applied by means of import licences or permits without a quota;

- (c) Contracting parties shall not, except for purposes of operating quotas allocated in accordance with sub-paragraph (d) of this paragraph, require that import licences or permits be utilized for the importation of the product concerned from a particular country or source;
- (d) In cases in which a quota is allocated among supplying countries, the contracting party applying the restrictions may seek agreement with respect to the allocation of shares in the quota with all other contracting parties having a substantial interest in supplying the product concerned. In cases in which this method is not reasonably practicable, the contracting party concerned shall allot to contracting parties having a substantial interest in supplying the product shares based upon the proportions, supplied by such contracting parties during a previous representative period, of the total quantity or value of imports of the product, due account being taken of any special factors which may have affected or may be affecting the trade in the product. No conditions or formalities shall be imposed which would prevent any contracting party from utilizing fully the share of any such total quantity or value which has been allotted to it, subject to importation being made within any prescribed period to which the quota may relate.

3. (a) In cases in which import licences are issued in connection with import restrictions, the contracting party applying the restrictions shall provide, upon the request of any contracting party having an interest in the trade in the product concerned, all relevant information concerning the administration of the restrictions, the import licences granted over a recent period and the distribution of such licences among supplying countries; *Provided* that there shall be no obligation to supply information as to the names of importing or supplying enterprises.

(b) In the case of import restrictions involving the fixing of quotas, the contracting party applying the restrictions shall give public notice of the total quantity or value of the product or products which will be permitted to be imported during a specified future period and of any change in such quantity or value. Any supplies of the product in question which were *en route* at the time at which public notice was given shall not be excluded from entry; *Provided* that they may be counted so far as practicable, against the quantity permitted to be imported in the period in question, and also, where necessary, against the quantities permitted to be imported in the next following period or periods; and *Provided* further that if any contracting party customarily exempts from such restrictions products entered for consumption or withdrawn from warehouse for consumption during a period of thirty days after the day of such public notice, such practice shall be considered full compliance with this subparagraph.

(c) In the case of quotas allocated among supplying countries, the contracting party applying the restrictions shall promptly inform

all other contracting parties having an interest in supplying the product concerned of the shares in the quota currently allocated, by quantity or value, to the various supplying countries and shall give public notice thereof.

4. With regard to restrictions applied in accordance with paragraph 2 (d) of this Article or under paragraph 2 (c) of Article XI, the selection of a representative period for any product and the appraisal of any special factors affecting the trade in the product shall be made initially by the contracting party applying the restriction; *Provided* that such contracting party shall, upon the request of any other contracting party having a substantial interest in supplying that product or upon the request of the Organization, consult promptly with the other contracting party or the Organization regarding the need for an adjustment of the proportion determined or of the base period selected, or for the reappraisal of the special factors involved, or for the elimination of conditions, formalities or any other provisions established unilaterally relating to the allocation of an adequate quota or its unrestricted utilization.

5. The provisions of this Article shall apply to any tariff quota instituted or maintained by any contracting party, and, in so far as applicable, the principles of this Article shall also extend to export restrictions.

Article XIV

Exceptions to the Rule of Non-discrimination

1. A contracting party which applies restrictions under Article XII or under Section B of Article XVIII may, in the application of such restrictions, deviate from the provisions of Article XIII in a manner having equivalent effect to restrictions on payments and transfers for current international transactions which that contracting party may at that time apply under Article VIII or XIV of the Articles of Agreement of the International Monetary Fund, or under analogous provisions of a special exchange agreement entered into pursuant to paragraph 6 of Article XV.

2. A contracting party which is applying import restrictions under Article XII or under Section B of Article XVIII may, with the consent of the Organization, temporarily deviate from the provisions of Article XIII in respect of a small part of its external trade where the benefits to the contracting party or contracting parties concerned substantially outweigh any injury which may result to the trade of other contracting parties.

3. The provisions of Article XIII shall not preclude a group of territories having a common quota in the International Monetary Fund from applying against imports from other countries, but not among themselves, restrictions in accordance with the provisions of Article XII or of Section B of Article XVIII on condition that such restrictions are in all other respects consistent with the provisions of Article XIII.

4. A contracting party applying import restrictions under Article XII or under Section B of Article XVIII shall not be precluded by

Articles XI to XV or Section B of Article XVIII of this Agreement from applying measures to direct its exports in such a manner as to increase its earnings of currencies which it can use without deviation from the provisions of Article XIII.

5. A contracting party shall not be precluded by Articles XI to XV, inclusive, or by Section B of Article XVIII, of this Agreement from applying quantitative restrictions:

- (a) having equivalent effect to exchange restrictions authorized under Section 3(b) of Article VII of the Articles of Agreement of the International Monetary Fund, or
- (b) under the preferential arrangements provided for in Annex A of this Agreement, pending the outcome of the negotiations referred to therein.

Article XV

Exchange Arrangements

1. The Organization shall seek co-operation with the International Monetary Fund to the end that the Organization and the Fund may pursue a co-ordinated policy with regard to exchange questions within the jurisdiction of the Fund and questions of quantitative restrictions and other trade measures within the jurisdiction of the Organization.

2. In all cases in which the Organization is called upon to consider or deal with problems concerning monetary reserves, balances of payments or foreign exchange arrangements, it shall consult fully with the International Monetary Fund. In such consultations, the Organization shall accept all findings of statistical and other facts presented by the Fund relating to foreign exchange, monetary reserves and balances of payments, and shall accept the determination of the Fund as to whether action by a contracting party in exchange matters is in accordance with the Articles of Agreement of the International Monetary Fund, or with the terms of a special exchange agreement between that contracting party and the Organization. The Organization, in reaching its final decision in cases involving the criteria set forth in paragraph 2 (a) of Article XII or in paragraph 9 of Article XVIII, shall accept the determination of the Fund as to what constitutes a serious decline in the contracting party's monetary reserves, a very low level of its monetary reserves or a reasonable rate of increase in its monetary reserves, and as to the financial aspects of other matters covered in consultation in such cases.

3. The Organization shall seek agreement with the Fund regarding procedures for consultation under paragraph 2 of this Article.

4. Contracting parties shall not, by exchange action, frustrate the intent of the provisions of this Agreement, nor, by trade action, the intent of the provisions of the Articles of Agreement of the International Monetary Fund.

5. If the Organization considers, at any time, that exchange restrictions on payments and transfers in connection with imports are being applied by a contracting party in a manner inconsistent

with the exceptions provided for in this Agreement for quantitative restrictions, it shall report thereon to the Fund.

6. Any contracting party which is not a member of the Fund shall, within a time to be determined by the Organization after consultation with the Fund, become a member of the Fund, or, failing that, enter into a special exchange agreement with the Organization. A contracting party which ceases to be a member of the Fund shall forthwith enter into a special exchange agreement with the Organization. Any special exchange agreement entered into by a contracting party under this paragraph shall thereupon become part of its obligations under this Agreement.

7. (a) A special exchange agreement between a contracting party and the Organization under paragraph 6 of this Article shall provide to the satisfaction of the Organization that the objectives of this Agreement will not be frustrated as a result of action in exchange matters by the contracting party in question.

(b) The terms of any such agreement shall not impose obligations on the contracting party in exchange matters generally more restrictive than those imposed by the Articles of Agreement of the International Monetary Fund on members of the Fund.

8. A contracting party which is not a member of the Fund shall furnish such information within the general scope of section 5 of Article VIII of the Articles of Agreement of the International Monetary Fund as the Organization may require in order to carry out its functions under this Agreement.

9. Nothing in this Agreement shall preclude:

- (a) the use by a contracting party of exchange controls or exchange restrictions in accordance with the Articles of Agreement of the International Monetary Fund or with that contracting party's special exchange agreement with the Organization, or
- (b) the use by a contracting party of restrictions or controls on imports or exports, the sole effect of which, additional to the effects permitted under Articles XI, XII, XIII and XIV, is to make effective such exchange controls or exchange restrictions.

Article XVI

Subsidies

Section A—Subsidies in General

1. If any contracting party grants or maintains any subsidy including any form of income or price support, which operates directly or indirectly to increase exports of any product from, or to reduce imports of any product into, its territory, it shall notify the Organization in writing of the extent and nature of the subsidization, of the estimated effect of the subsidization on the quantity of the affected product or products imported into or exported from its territory and of the circumstances making the subsidization necessary. In any case in which it is determined that serious prejudice to the

interests of any other contracting party is caused or threatened by any such subsidization, the contracting party granting the subsidy shall, upon request, discuss with the other contracting party or parties concerned, or with the Organization, the possibility of limiting the subsidization.

Section B—Additional Provisions on Export Subsidies

2. The contracting parties recognize that the granting by a contracting party of a subsidy on the export of any product may have harmful effects for other contracting parties, both importing and exporting, may cause undue disturbance to their normal commercial interests, and may hinder the achievement of the objectives of this Agreement.

3. Accordingly, contracting parties should seek to avoid the use of subsidies on the export of primary products. If, however, a contracting party grants directly or indirectly any form of subsidy which operates to increase the export of any primary product from its territory, such subsidy shall not be applied in a manner which results in that contracting party having more than an equitable share of world export trade in that product, account being taken of the shares of the contracting parties in such trade in the product during a previous representative period, and any special factors which may have affected or may be affecting such trade in the product.

4. Further, as from 1 January 1958 or the earliest practicable date thereafter, contracting parties shall cease to grant either directly or indirectly any form of subsidy on the export of any product other than a primary product which subsidy results in the sale of such product for export at a price lower than the comparable price charged for the like product to buyers in a domestic market. Until 31 December 1957 no contracting party shall extend the scope of any such subsidization beyond that existing on 1 January 1955 by the introduction of new, or the extension of existing, subsidies.

5. The Organization shall review the operation of the provisions of this Article from time to time with a view to examining its effectiveness, in the light of actual experience, in promoting the objectives of this Agreement and avoiding subsidization seriously prejudicial to the trade or interests of contracting parties.

Article XVII

State-trading Enterprises

1. (a) Each contracting party undertakes that if it establishes or maintains a State enterprise, wherever located, or grants to any enterprise, formally or in effect, exclusive or special privileges, such enterprise shall, in its purchases or sales involving either imports or exports, act in a manner consistent with the general principles of non-discriminatory treatment prescribed in this Agreement for governmental measures affecting imports or exports by private traders.

(b) The provisions of sub-paragraph (a) of this paragraph shall

be understood to require that such enterprises shall, having due regard to the other provisions of this Agreement, make any such purchases or sales solely in accordance with commercial considerations, including price, quality, availability, marketability, transportation and other conditions of purchase or sale, and shall afford the enterprises of the other contracting parties adequate opportunity, in accordance with customary business practice, to compete for participation in such purchases or sales.

(c) No contracting party shall prevent any enterprise (whether or not an enterprise described in sub-paragraph (a) of this paragraph) under its jurisdiction from acting in accordance with the principles of sub-paragraphs (a) and (b) of this paragraph.

2. The provisions of paragraph 1 of this Article shall not apply to imports of products for immediate or ultimate consumption in governmental use and not otherwise for re-sale or use in the production of goods for sale. With respect to such imports, each contracting party shall accord to the trade of the other contracting parties fair and equitable treatment.

3. The contracting parties recognize that enterprises of the kind described in paragraph 1 (a) of this Article might be operated so as to create serious obstacles to trade; thus negotiations on a reciprocal and mutually advantageous basis designed to limit or reduce such obstacles are of importance to the expansion of international trade.

4. (a) Contracting parties shall notify the Organization of the products which are imported into or exported from their territories by enterprises of the kind described in paragraph 1 (a) of this Article.

(b) A contracting party establishing, maintaining or authorizing an import monopoly of a product, which is not the subject of a concession under Article III, shall, on the request of another contracting party having a substantial trade in the product concerned, inform the Organization of the import mark-up on the product during a recent representative period, or, when it is not possible to do so, of the price charged on the re-sale of the product.

(c) The Organization may, at the request of a contracting party which has reason to believe that its interests under this Agreement are being adversely affected by the operations of an enterprise of the kind described in paragraph 1 (a), request the contracting party establishing, maintaining or authorizing such enterprise to supply information about its operations related to the carrying out of the provisions of this Agreement.

(d) The provisions of this paragraph shall not require any contracting party to disclose confidential information which would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interests of particular enterprises.

Article XVIII

Governmental Assistance to Economic Development

1. The contracting parties recognize that the attainment of the objectives of this Agreement will be facilitated by the progressive

development of their economies, particularly of those contracting parties the economies of which can only support low standards of living and are in the early stages of development.

2. The contracting parties recognize further that it may be necessary for those contracting parties, in order to implement programmes and policies of economic development designed to raise the general standard of living of their people, to take protective or other measures affecting imports, and that such measures are justified in so far as they facilitate the attainment of the objectives of this Agreement. They agree, therefore, that those contracting parties should enjoy additional facilities to enable them (a) to maintain sufficient flexibility in their tariff structure to be able to grant the tariff protection required for the establishment of a particular industry and (b) to apply quantitative restrictions for balance of payments purposes in a manner which takes full account of the continued high level of demand for imports likely to be generated by their programmes of economic development.

3. The contracting parties recognize finally that with those additional facilities which are provided for in Sections A and B of this Article, the provisions of this Agreement would normally be sufficient to enable contracting parties to meet the requirements of their economic development. They agree, however, that there may be circumstances where no measure consistent with those provisions is practicable to permit a contracting party in the process of economic development to grant the governmental assistance required to promote the establishment of particular industries with a view to raising the general standard of living of its people. Special procedures are laid down in Sections C and D of this Article to deal with those cases.

4. (a) Consequently, a contracting party the economy of which can only support low standards of living and is in the early stages of development shall be free to deviate temporarily from the provisions of the other Articles of this Agreement, as provided in Sections A, B and C of this Article.

(b) A contracting party the economy of which is in the process of development but which does not come within the scope of subparagraph (a) above, may submit applications to the Organization under Section D of this Article.

5. The contracting parties recognize that the export earnings of contracting parties the economies of which are of the type described in paragraph 4 (a) and (b) above, and which depend on exports of a small number of primary commodities may be seriously reduced by a decline in the sale of such commodities. Accordingly, when the exports of primary commodities by such a contracting party are seriously affected by measures taken by another contracting party, it may have resort to the consultation provisions of Article XXII of this Agreement.

6. The organization shall review annually all measures applied pursuant to the provisions of Sections C and D of this Article.

Section A

7. (a) If a contracting party coming within the scope of paragraph 4 (a) of this Article considers it desirable, in order to promote the establishment of a particular industry with a view to raising the general standard of living of its people, to modify or withdraw a concession included in the appropriate schedule annexed to this Agreement, it shall notify the Organization to this effect and enter into negotiations with any contracting party with which such concession was initially negotiated, and with any other contracting party determined by the Organization to have a substantial interest therein. If agreement is reached between such contracting parties concerned, they shall be free to modify or withdraw concessions under the appropriate Schedules to this Agreement in order to give effect to such agreement, including any compensatory adjustments involved.

(b) If agreement is not reached within sixty days after the notification provided for in sub-paragraph (a) above, the contracting party which proposes to modify or withdraw the concession may refer the matter to the Organization, which shall promptly examine it. If it finds that the contracting party which proposes to modify or withdraw the concession has made every effort to reach an agreement and that the compensatory adjustment offered by it is adequate, that contracting party shall be free to modify or withdraw the concession if, at the same time, it gives effect to the compensatory adjustment. If the Organization does not find that the compensation offered by a contracting party proposing to modify or withdraw the concession is adequate, but finds that it has made every reasonable effort to offer adequate compensation, that contracting party shall be free to proceed with such modification or withdrawal. If such action is taken, any other contracting party referred to in sub-paragraph (a) above shall be free to modify or withdraw substantially equivalent concessions initially negotiated with the contracting party which has taken the action.

Section B

8. The contracting parties recognize that contracting parties coming within the scope of paragraph 4 (a) of this Article tend, when they are in rapid process of development, to experience balance of payments difficulties arising mainly from efforts to expand their internal markets as well as from the instability in their terms of trade.

9. In order to safeguard its external financial position and to ensure a level of reserves adequate for the implementation of its programme of economic development, a contracting party coming within the scope of paragraph 4 (a) of this Article may, subject to the provisions of paragraphs 10 to 12, control the general level of its imports by restricting the quantity or value of merchandise permitted to be imported; *Provided* that the import restrictions instituted, maintained or intensified shall not exceed those necessary:

- (a) to forestall the threat of, or to stop, a serious decline in its monetary reserves, or

(b) in the case of a contracting party with inadequate monetary reserves, to achieve a reasonable rate of increase in its reserves. Due regard shall be paid in either case to any special factors which may be affecting the reserves of the contracting party or its need for reserves, including, where special external credits or other resources are available to it, the need to provide for the appropriate use of such credits or resources.

10. In applying these restrictions, the contracting party may determine their incidence on imports of different products or classes of products in such a way as to give priority to the importation of those products which are more essential in the light of its policy of economic development; *Provided* that the restrictions are so applied as to avoid unnecessary damage to the commercial or economic interests of any other contracting party and not to prevent unreasonably the importation of any description of goods in minimum commercial quantities the exclusion of which would impair regular channels of trade; and *Provided* further that the restrictions are not so applied as to prevent the importation of commercial samples or to prevent compliance with patent, trade-mark, copyright or similar procedures.

11. In carrying out its domestic policies, the contracting party concerned shall pay due regard to the need for restoring equilibrium in its balance of payments on a sound and lasting basis and to the desirability of assuring an economic employment of productive resources. It shall progressively relax any restrictions applied under this Section as conditions improve, maintaining them only to the extent necessary under the terms of paragraph 9 of this Article, and shall eliminate them when conditions no longer justify such maintenance; *Provided* that no contracting party shall be required to withdraw or modify restrictions on the ground that a change in its development policy would render unnecessary the restrictions which it is applying under this Section.

12. (a) Any contracting party applying new restrictions or raising the general level of its existing restrictions by a substantial intensification of the measures applied under this Section, shall immediately after instituting or intensifying such restrictions (or, in circumstances in which prior consultation is practicable, before doing so (consult with the Organization as to the nature of its balance of payments difficulties, alternative corrective measures which may be available, and the possible effect of the restrictions on the economies of other contracting parties.

(b) On a date to be determined by it, the Organization shall review all restrictions still applied under this Section on that date. Beginning two years after that date, contracting parties applying restrictions under this Section shall enter into consultations of the type provided for in sub-paragraph (a) above with the Organization at intervals of approximately, but not less than, two years according to a programme to be drawn up each year by the Organization; *Provided* that no consultation under this sub-paragraph shall take

place within two years after the conclusion of a consultation of a general nature under any other provision of this paragraph.

(c) (i) If, in the course of consultations with a contracting party under sub-paragraph (a) or (b) of this paragraph, the Organization finds that the restrictions are not consistent with the provisions of this Section or with those of Article XIII (subject to the provisions of Article XIV), they shall indicate the nature of the inconsistency and may advise that the restrictions be suitably modified.

(ii) If, however, as a result of the consultations, the Organization determines that the restrictions are being applied in a manner involving an inconsistency of a serious nature with the provisions of this Section or with those of Article XIII (subject to the provisions of Article XIV) and that damage to the trade of any contracting party is caused or threatened thereby, they shall so inform the contracting party applying the restrictions and shall make appropriate recommendations for securing conformity with such provisions within a specified period. If such contracting party does not comply with these recommendations within the specified period, the Organization may release any contracting party the trade of which is adversely affected by the restrictions from such obligations under this Agreement towards the contracting party applying the restrictions as they determine to be appropriate in the circumstances.

(d) The Organization shall invite any contracting party which is applying restrictions under this Section to enter into consultations with them at the request of any contracting party which can establish a *prima facie* case that the restrictions are inconsistent with the provisions of this Section or with those of Article XIII (subject to the provisions of Article XIV) and that its trade is adversely affected thereby. However, no such invitation shall be issued unless the Organization has ascertained that direct discussions between the contracting parties concerned have not been successful. If, as a result of the consultations with the Organization, no agreement is reached and it determines that the restrictions are being applied inconsistently with such provisions, and that damage to the trade of the contracting party initiating the procedure is caused or threatened thereby, it shall recommend the withdrawal or modification of the restrictions. If the restrictions are not withdrawn or modified within such time as the Organization may prescribe, it may release the contracting party initiating the procedure from such obligations under this Agreement towards the contracting party applying the restrictions as it determines to be appropriate in the circumstances.

(e) If a contracting party against which action has been taken in accordance with the last sentence of sub-paragraph (c) (ii) or (d) of this paragraph, finds that the release of obligations authorized by the Organization adversely affects the operation of its programme and policy of economic development, it shall be free, not later than sixty days after such action is taken, to give written notice to the Director-

General of the Organization of its intention to withdraw from this Agreement and such withdrawal shall take effect on the sixtieth day following the day on which the notice is received by him.

(f) In proceeding under this paragraph, the Organization shall have due regard to the factors referred to in paragraph 2 of this Article. Determinations under this paragraph shall be rendered expeditiously and, if possible, within sixty days of the initiation of the consultations.

Section C

13. If a contracting party coming within the scope of paragraph 4 (a) of this Article finds that governmental assistance is required to promote the establishment of a particular industry with a view to raising the general standard of living of its people, but that no measure consistent with the other provisions of this Agreement is practicable to achieve that objective, it may have recourse to the provisions and procedures set out in this Section.

14. The contracting party concerned shall notify the Organization of the special difficulties which it meets in the achievement of the objective outlined in paragraph 13 of this Article and shall indicate the specific measure affecting imports which it proposes to introduce in order to remedy these difficulties. It shall not introduce that measure before the expiration of the time-limit laid down in paragraph 15 or 17, as the case may be, or if the measure affects imports of a product which is the subject of a concession included in the appropriate Schedule annexed to this Agreement, unless it has secured the concurrence of the Organization in accordance with the provisions of paragraph 18; *Provided* that, if the industry receiving assistance has already started production, the contracting party may, after informing the Organization, take such measures as may be necessary to prevent, during that period, imports of the product or products concerned from increasing substantially above a normal level.

15. If, within thirty days of the notification of the measure, the Organization does not request the contracting party concerned to consult with it, that contracting party shall be free to deviate from the relevant provisions of the other Articles of this Agreement to the extent necessary to apply the proposed measure.

16. If it is requested by the Organization to do so, the contracting party concerned shall consult with it as to the purpose of the proposed measure, as to alternative measures which may be available under this Agreement, and as to the possible effect of the measure proposed on the commercial and economic interests of other contracting parties. If, as a result of such consultation, the Organization agrees that there is no measure consistent with the other provisions of this Agreement which is practicable in order to achieve the objective outlined in paragraph 13 of this Article, and concurs in the proposed measure, the contracting party concerned shall be released from its obligations under the relevant provisions of the other Articles of this Agreement to the extent necessary to apply that measure.

17. If, within ninety days after the date of the notification of the proposed measure under paragraph 14 of this Article, the Organization

has not concurred in such measure, the contracting party concerned may introduce the measure proposed after informing the Organization.

18. If the proposed measure affects a product which is the subject of a concession included in the appropriate Schedule annexed to this Agreement, the contracting party concerned shall enter into consultations with any other contracting party with which the concession was initially negotiated, and with any other contracting party determined by the Organization to have a substantial interest therein. The Organization shall concur in the measure if it agrees that there is no measure consistent with the other provisions of this Agreement which is practicable in order to achieve the objective set forth in paragraph 13 of this Article, and if it is satisfied:

- (a) that agreement has been reached with such other contracting parties as a result of the consultations referred to above, or
- (b) if no such agreement has been reached within sixty days after the notification provided for in paragraph 14 has been received by the Organization, that the contracting party having recourse to this Section has made all reasonable efforts to reach an agreement and that the interests of other contracting parties are adequately safeguarded.

The contracting party having recourse to this Section shall thereupon be released from its obligations under the relevant provisions of the other Articles of this Agreement to the extent necessary to permit it to apply the measure.

19. If a proposed measure of the type described in paragraph 13 of this Article concerns an industry the establishment of which has in the initial period been facilitated by incidental protection afforded by restrictions imposed by the contracting party concerned for balance of payments purposes under the relevant provisions of this Agreement, that contracting party may resort to the provisions and procedures of this Section; *Provided* that it shall not apply the proposed measure without the concurrence of the Organization.

20. Nothing in the preceding paragraphs of this Section shall authorize any deviation from the provisions of Articles II, III and XIII of this Agreement. The provisos to paragraph 10 of this Article shall also be applicable to any restriction under this Section.

21. At any time while a measure is being applied under paragraph 17 of this Article, any contracting party substantially affected by it may suspend the application to the trade of the contracting party having recourse to this Section of such substantially equivalent concessions or other obligations under this Agreement the suspension of which the Organization does not disapprove; *Provided* that sixty days' notice of such suspension is given to the Organization not later than six months after the measure has been introduced or changed substantially to the detriment of the contracting party affected. Any such contracting party shall afford adequate opportunity for consultation in accordance with the provisions of Article XXII of this Agreement.

Section D

22. A contracting party coming within the scope of sub-paragraph 4 (b) of this Article desiring, in the interest of the development of its economy, to introduce a measure of the type described in paragraph 13 of this Article in respect of the establishment of a particular industry may apply to the Organization for approval of such measure. The Organization shall promptly consult with such contracting party and shall, in making its decision, be guided by the considerations set out in paragraph 16. If the Organization concurs in the proposed measure the contracting party concerned shall be released from its obligations under the relevant provisions of the other Articles of this Agreement to the extent necessary to permit it to apply the measure. If the proposed measure affects a product which is the subject of a concession included in the appropriate Schedule annexed to this Agreement, the provisions of paragraph 18 shall apply.

23. Any measure applied under this Section shall comply with the provisions of paragraph 20 of this Article.

*Article XIX**Emergency Action on Imports of Particular Products*

1. (a) If, as a result of unforeseen developments and of the effect of the obligations incurred by a contracting party under this Agreement, including tariff concessions, any product is being imported into the territory of that contracting party in such increased quantities and under such conditions as to cause or threaten serious injury to domestic producers in that territory of like or directly competitive products, the contracting party shall be free, in respect of such product, and to the extent and for such time as may be necessary to prevent or remedy such injury, to suspend the obligation in whole or in part or to withdraw or modify the concession.

(b) If any product, which is the subject of a concession with respect to a preference, is being imported into the territory of a contracting party in the circumstances set forth in sub-paragraph (a) of this paragraph, so as to cause or threaten serious injury to domestic producers of like or directly competitive products in the territory of a contracting party which receives or received such preference, the importing contracting party shall be free, if that other contracting party so requests, to suspend the relevant obligation in whole or in part or to withdraw or modify the concession in respect of the product, to the extent and for such time as may be necessary to prevent or remedy such injury.

2. Before any contracting party shall take action pursuant to the provisions of paragraph 1 of this Article, it shall give notice in writing to the Organization as far in advance as may be practicable and shall afford the Organization and those contracting parties having a substantial interest as exporters of the product concerned an opportunity to consult with it in respect of the proposed action. When such notice is given in relation to a concession with respect

to a preference, the notice shall name the contracting party which has requested the action. In critical circumstances, where delay would cause damage which it would be difficult to repair, action under paragraph 1 of this Article may be taken provisionally without prior consultation, on the condition that consultation shall be effected immediately after taking such action.

3. (a) If agreement among the interested contracting parties with respect to the action is not reached, the contracting party which proposes to take or continue the action shall, nevertheless, be free to do so, and if such action is taken or continued, the affected contracting parties shall then be free, not later than ninety days after such action is taken, to suspend, upon the expiration of thirty days from the day on which written notice of such suspension is received by the Organization, the application to the trade of the contracting party taking such action, or, in the case envisaged in paragraph 1 (b) of this Article, to the trade of the contracting party requesting such action, of such substantially equivalent concessions or other obligations under this Agreement the suspension of which the Organization does not disapprove.

(b) Notwithstanding the provisions of sub-paragraph (a) of this paragraph, where action is taken under paragraph 2 of this Article without prior consultation and causes or threatens serious injury in the territory of a contracting party to the domestic producers of products affected by the action, that contracting party shall, where delay would cause damage difficult to repair, be free to suspend, upon the taking of the action and throughout the period of consultation, such concessions or other obligations as may be necessary to prevent or remedy the injury.

Article XX

General Exceptions

Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent the adoption or enforcement by any contracting party of measures:

- (a) necessary to protect public morals;
- (b) necessary to protect human, animal or plant life or health;
- (c) relating to the importation or exportation of gold or silver;
- (d) necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of this Agreement, including those relating to customs enforcement, the enforcement of monopolies operated under paragraph 4 of Article III and Article XVII, the protection of patents, trade marks and copyrights, and the prevention of deceptive practices;
- (e) relating to the products of prison labour;

- (f) imposed for the protection of national treasures of artistic, historic or archaeological value;
- (g) relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption;
- (h) undertaken in pursuance of obligations under any intergovernmental commodity agreement which conforms to criteria submitted to the Organisation and not disapproved by it or which is itself so submitted and not so disapproved;
- (i) involving restrictions on exports of domestic materials necessary to assure essential quantities of such materials to a domestic processing industry during periods when the domestic price of such materials is held below the world price as part of a governmental stabilization plan; *Provided* that such restrictions shall not operate to increase the exports of or the protection afforded to such domestic industry, and shall not depart from the provisions of this Agreement relating to nondiscrimination;
- (j) essential to the acquisition or distribution of products in general or local short supply; *Provided* that any such measures shall be consistent with the principle that all contracting parties are entitled to an equitable share of the international supply of such products, and that any such measures which are inconsistent with the other provisions of this Agreement shall be discontinued as soon as the conditions giving rise to them have ceased to exist. The Organization shall review the need for this sub-paragraph not later than 30 June 1960.

Article XXI

Security Exceptions

Nothing in this Agreement shall be construed

- (a) to require any contracting party to furnish any information the disclosure of which it considers contrary to its essential security interests; or
- (b) to prevent any contracting party from taking any action which it considers necessary for the protection of its essential security interests
 - (i) relating to fissionable materials or the materials from which they are derived;
 - (ii) relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment;
 - (iii) taken in time of war or other emergency in international relations; or
- (c) to prevent any contracting party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

Article XXII

Consultation

1. Each contracting party shall accord sympathetic consideration to, and shall afford adequate opportunity for consultation regarding, such representations as may be made by another contracting party with respect to any matter affecting the operation of this Agreement.

2. The Organization may, at the request of a contracting party, consult with any contracting party or parties in respect of any matter for which it has not been possible to find a satisfactory solution through consultation under paragraph 1.

Article XXIII

Nullification or Impairment

1. If any contracting party should consider that any benefit accruing to it directly or indirectly under this Agreement is being nullified or impaired or that the attainment of any objective of the Agreement is being impeded as the result of (a) the failure of another contracting party to carry out its obligations under this Agreement, or (b) the application by another contracting party of any measure, whether or not it conflicts with the provisions of this Agreement, or (c) the existence of any other situation, the contracting party may, with a view to the satisfactory adjustment of the matter, make written representations or proposals to the other contracting party or parties which it considers to be concerned. Any contracting party thus approached shall give sympathetic consideration to the representations or proposals made to it.

2. If no satisfactory adjustment is effected between the contracting parties concerned within a reasonable time, or if the difficulty is of the type described in paragraph 1 (c) of this Article, the matter may be referred to the Organization.

PART III

Article XXIV

Territorial Application—Frontier Traffic—Customs Unions and Free-trade Areas

1. The provisions of this Agreement shall apply to the metropolitan customs territories of the contracting parties and to any other customs territories in respect of which this Agreement has been accepted under Article XXVI or is being applied under Article XXXIII or pursuant to the Protocol of Provisional Application.¹ Each such customs

¹ Protocol of Provisional Application, Oct. 30, 1947, not reprinted here. See *General Agreement on Tariffs and Trade (in four volumes): Volume I* (Department of State publication 3107; 1948) pp. 81-82, and *The General Agreement on Tariffs and Trade (amended text) and Texts of Related Documents* (Department of State publication 3758; 1950), pp. 88-89.

territory shall, exclusively for the purposes of the territorial application of this Agreement, be treated as though it were a contracting party; *Provided* that the provisions of this paragraph shall not be construed to create any rights or obligations as between two or more customs territories in respect of which this Agreement has been accepted under Article XXVI or is being applied under Article XXXIII or pursuant to the Protocol of Provisional Application by a single contracting party.

2. For the purposes of this Agreement a customs territory shall be understood to mean any territory with respect to which separate tariffs or other regulations of commerce are maintained for a substantial part of the trade of such territory with other territories.

3. The provisions of this Agreement shall not be construed to prevent:

- (a) advantages accorded by any contracting party to adjacent countries in order to facilitate frontier traffic;
- (b) advantages accorded to the trade with the Free Territory of Trieste by countries contiguous to that territory, provided that such advantages are not in conflict with the Treaties of Peace arising out of the Second World War.

4. The contracting parties recognize the desirability of increasing freedom of trade by the development, through voluntary agreements, of closer integration between the economies of the countries parties to such agreements. They also recognize that the purpose of a customs union or of a free-trade area should be to facilitate trade between the constituent territories and not to raise barriers to the trade of other contracting parties with such territories.

5. Accordingly, the provisions of this Agreement shall not prevent, as between the territories of contracting parties, the formation of a customs union or of a free-trade area or the adoption of an interim agreement necessary for the formation of a customs union or of a free-trade area; *Provided* that:

- (a) with respect to a customs union, or an interim agreement leading to the formation of a customs union, the duties and other regulations of commerce imposed at the institution of any such union or interim agreement in respect of trade with contracting parties not parties to such union or agreement shall not on the whole be higher or more restrictive than the general incidence of the duties and regulations of commerce applicable in the constituent territories prior to the formation of such union or the adoption of such interim agreement, as the case may be;
- (b) with respect to a free-trade area, or an interim agreement leading to the formation of a free-trade area, the duties and other regulations of commerce maintained in each of the constituent territories and applicable at the formation of such free-trade area or the adoption of such interim agreement to the trade of contracting parties not included in such area or not

parties to such agreement shall not be higher or more restrictive than the corresponding duties and other regulations of commerce existing in the same constituent territories prior to the formation of the free-trade area, or interim agreement, as the case may be; and

- (c) any interim agreement referred to in sub-paragraphs (a) and (b) shall include a plan and schedule for the formation of such a customs union or of such a free-trade area within a reasonable length of time.

6. If, in fulfilling the requirements of sub-paragraph 5 (a), a contracting party proposes to increase any rate of duty inconsistently with the provisions of Article III, the procedure set forth in Article XXVIII shall apply. In providing for compensatory adjustment, due account shall be taken of the compensation already afforded by the reductions brought about in the corresponding duty of the other constituents of the union.

7. (a) Any contracting party deciding to enter into a customs union or free-trade area, or an interim agreement leading to the formation of such a union or area, shall promptly notify the Organization and shall make available to it such information regarding the proposed union or area as will enable it to make such reports and recommendations to contracting parties as it may deem appropriate.

(b) If, after having studied the plan and schedule included in an interim agreement referred to in paragraph 5 in consultation with the parties to that agreement and taking due account of the information made available in accordance with the provisions of sub-paragraph (a), the Organization finds that such agreement is not likely to result in the formation of a customs union or of a free-trade area within the period contemplated by the parties to the agreement or that such period is not a reasonable one, the Organization shall make recommendations to the parties to the agreement. The parties shall not maintain or put into force, as the case may be, such agreement if they are not prepared to modify it in accordance with these recommendations.

(c) Any substantial change in the plan or schedule referred to in paragraph 5 (c) shall be communicated to the Organization, which may request the contracting parties concerned to consult with it if the change seems likely to jeopardize or delay unduly the formation of the customs union or of the free-trade area.

8. For the purposes of this Agreement:

- (a) A customs union shall be understood to mean the substitution of a single customs territory for two or more customs territories, so that

- (i) duties and other restrictive regulations of commerce (except, where necessary, those permitted under Articles XI, XII, XIII, XIV, XV and XX) are eliminated with respect to substantially all the trade between the constituent territories of the union or at least with respect to

substantially all the trade in products originating in such territories, and,

- (ii) subject to the provisions of paragraph 9, substantially the same duties and other regulations of commerce are applied by each of the members of the union to the trade of territories not included in the union;

- (b) A free-trade area shall be understood to mean a group of two or more customs territories in which the duties and other restrictive regulations of commerce (except, where necessary, those permitted under Articles XI, XII, XIII, XIV, XV and XX) are eliminated on substantially all the trade between the constituent territories in products originating in such territories.

9. The preferences referred to in paragraph 2 of Article II shall not be affected by the formation of a customs union or of a free-trade area but may be eliminated or adjusted by means of negotiations with contracting parties affected. This procedure of negotiations with affected contracting parties shall, in particular, apply to the elimination of preferences required to conform with the provisions of paragraph 8 (a) (i) and paragraph 8 (b).

10. The Organization may by a two-thirds majority approve proposals which do not fully comply with the requirements of paragraphs 5 to 9 inclusive, provided that such proposals lead to the formation of a customs union or a free-trade area in the sense of this Article.

11. Taking into account the exceptional circumstances arising out of the establishment of India and Pakistan as independent [independent] States and recognizing the fact that they have long constituted an economic unit, the contracting parties agree that the provisions of this Agreement shall not prevent the two countries from entering into special arrangements with respect to the trade between them, pending the establishment of their mutual trade relations on a definitive basis.

12. Each contracting party shall take such reasonable measures as may be available to it to ensure observance of the provisions of this Agreement by the regional and local governments and authorities within its territory.

Article XXV

The Organization for Trade Cooperation

1. The Organization for Trade Cooperation, established by the Agreement bearing the date of 10 March 1955,¹ shall give effect to those provisions of this Agreement, which provide for action by the Organization and such other provisions as involve joint action, and may carry on any other activities with respect to the General Agreement which are provided for by the Agreement establishing the Organization.

2. All contracting parties shall, as soon as possible, become Members of the Organization.

¹ *Infra.*

3. Those contracting parties which have accepted the Agreement on the Organization for Trade Cooperation may decide at any time after the entry into force of that Agreement that any contracting party which has not accepted it shall cease to be a contracting party.

Article XXVI

Acceptance, Entry into Force and Registration

1. The date of this Agreement shall be 30 October 1947.

2. This Agreement shall be open for acceptance by any contracting party which, on 1 March 1955, was a contracting party or was negotiating with a view to accession to this Agreement.

3. This Agreement, done in a single English original and in a single French original, both texts authentic, shall be deposited with the Director-General of the Organization, who shall furnish certified copies thereof to all interested governments.

4. Each government accepting this Agreement shall deposit an instrument of acceptance with the Director-General of the Organization, who will inform all interested governments of the date of deposit of each instrument of acceptance and of the day on which this Agreement enters into force under paragraph 6 of this Article.

5. (a) Each government accepting this Agreement does so in respect of its metropolitan territory and of the other territories for which it has international responsibility, except such separate customs territories as it shall notify to the Director-General of the Organization at the time of its own acceptance.

(b) Any government, which has so notified the Director-General under the exceptions in sub-paragraph (a) of this paragraph, may at any time give notice to the Director-General that its acceptance shall be effective in respect of any separate customs territory or territories so excepted and such notice shall take effect on the thirtieth day following the day on which it is received by the Director-General.

(c) If any of the customs territories, in respect of which a contracting party has accepted this Agreement, possesses or acquires full autonomy in the conduct of its external commercial relations and of the other matters provided for in this Agreement, such territory shall, upon sponsorship through a declaration by the responsible contracting party establishing the above-mentioned fact, be deemed to be a contracting party and shall also be deemed to be a Member of the Organization.

6. This Agreement shall enter into force, as among the governments which have accepted it, on the thirtieth day following the day on which instruments of acceptance have been deposited with the Director-General of the Organization on behalf of governments named in Annex G, the territories of which account for 85 per centum of the total external trade of the territories of such governments, computed in accordance with the applicable column of percentages set forth therein. The instrument of acceptance of each other

government shall take effect on the thirtieth day following the day on which such instrument has been deposited.

7. The United Nations is authorized to effect registration of this Agreement as soon as it enters into force.

Article XXVII

Withholding or Withdrawal of Concessions

Any contracting party shall at any time be free to withhold or to withdraw in whole or in part any concession, provided for in the appropriate Schedule annexed to this Agreement, in respect of which such contracting party determines that it was initially negotiated with a government which has not become, or has ceased to be, a contracting party. A contracting party taking such action shall notify the Organization and, upon request, consult with contracting parties which have a substantial interest in the product concerned.

Article XXVIII

Modification of Schedules

1. On the first day of each three-year period, the first period beginning on 1 January 1958 (or on the first day of any other period that may be specified by the Organization by two-thirds of the votes cast) a contracting party (hereafter in this Article referred to as the "applicant contracting party") may, by negotiation and agreement with any contracting party with which such concession was initially negotiated and with any other contracting party determined by the Organization to have a principal supplying interest (which two preceding categories of contracting parties, together with the applicant contracting party, are in this Article hereinafter referred to as the "contracting parties primarily concerned"), and subject to consultation with any other contracting party determined by the Organization to have a substantial interest in such concession, modify or withdraw a concession included in the appropriate Schedule annexed to this Agreement.

2. In such negotiations and agreement, which may include provision for compensatory adjustment with respect to other products, the contracting parties concerned shall endeavour to maintain a general level of reciprocal and mutually advantageous concessions not less favourable to trade than that provided for in this Agreement prior to such negotiations.

3. (a) If agreement between the contracting parties primarily concerned cannot be reached before 1 January 1958 or before the expiration of a period envisaged in paragraph 1 of this Article, the contracting party which proposes to modify or withdraw the concession shall, nevertheless, be free to do so and if such action is taken any contracting party with which such concession was initially negotiated, any contracting party determined under paragraph 1 to

have a principal supplying interest and any contracting party determined under paragraph 1 to have a substantial interest shall then be free not later than six months after such action is taken, to withdraw, upon the expiration of thirty days from the day on which written notice of such withdrawal is received by the Organization, substantially equivalent concessions initially negotiated with the applicant contracting party.

(b) If agreement between the contracting parties primarily concerned is reached but any other contracting party determined under paragraph 1 of this Article to have a substantial interest is not satisfied, such other contracting party shall be free, not later than six months after action under such agreement is taken, to withdraw, upon the expiration of thirty days from the day on which written notice of such withdrawal is received by the Organization, substantially equivalent concessions initially negotiated with the applicant contracting party.

4. The Organization may, at any time, in special circumstances, authorize a contracting party to enter into negotiations for modification or withdrawal of a concession included in the appropriate Schedule annexed to this Agreement subject to the following procedures and conditions:

- (a) Such negotiations and any related consultations shall be conducted in accordance with the provisions of paragraphs 1 and 2 of this Article.
- (b) If agreement between the contracting parties primarily concerned is reached in the negotiations, the provisions of paragraph 3 (b) of this Article shall apply.
- (c) If agreement between the contracting parties primarily concerned is not reached within a period of sixty days after negotiations have been authorized, or within such longer period as the Organization may have prescribed, the applicant contracting party may refer the matter to the Organization.
- (d) Upon such reference, the Organization shall promptly examine the matter and submit their views to the contracting parties primarily concerned with the aim of achieving a settlement. If a settlement is reached, the provisions of paragraph 3 (b) shall apply as if agreement between the contracting parties primarily concerned had been reached. If no settlement is reached between the contracting parties primarily concerned, the applicant contracting party shall be free to modify or withdraw the concession, unless the Organization determines that the applicant contracting party has unreasonably failed to offer adequate compensation. If such action is taken, any contracting party with which the concession was initially negotiated, any contracting party determined under paragraph 4 (a) to have a principal supplying interest and any contracting party determined under paragraph 4 (a) to have a substantial interest, shall be free, not later than six months after such action is taken, to modify or withdraw, upon the

expiration of thirty days from the day on which written notice of such withdrawal is received by the Organization, substantially equivalent concessions initially negotiated with the applicant contracting party.

5. Before 1 January 1958 and before the end of any period envisaged in paragraph 1 a contracting party may elect by notifying the Organization to reserve the right, for the duration of the next period, to modify the appropriate Schedule in accordance with the procedures of paragraphs 1 to 3. If a contracting party so elects, other contracting parties shall have the right, during the same period, to modify or withdraw, in accordance with the same procedures, concessions initially negotiated with that contracting party.

Article XXIX

Tariff Negotiations

1. The contracting parties recognize that customs duties often constitute serious obstacles to trade; thus negotiations on a reciprocal and mutually advantageous basis, directed to the substantial reduction of the general level of tariffs and other charges on imports and exports and in particular to the reduction of such high tariffs as discourage the importation even of minimum quantities, and conducted with due regard to the objectives of this Agreement and the varying needs of individual contracting parties, are of great importance to the expansion of international trade. The Organization may therefore sponsor such negotiations from time to time.

2. (a) Negotiations under this Article may be carried out on a selective product-by-product basis or by the application of such multilateral procedures as may be accepted by the contracting parties concerned. Such negotiations may be directed towards the reduction of duties, the binding of duties at then existing levels or undertakings that individual duties or the average duties on specified categories of products shall not exceed specified levels. The binding against increase of low duties or of duty-free treatment shall, in principle, be recognized as a concession equivalent in value to the reduction of high duties.

(b) The contracting parties recognize that in general the success of multilateral negotiations would depend on the participation of all contracting parties which conduct a substantial proportion of their external trade with one another.

3. Negotiations shall be conducted on a basis which affords adequate opportunity to take into account:

- (a) the needs of individual contracting parties and individual industries;
- (b) the needs of less-developed countries for a more flexible use of tariff protection to assist their economic development and the special needs of these countries to maintain tariffs for revenue purposes; and

- (c) all other relevant circumstances, including the fiscal, developmental, strategic and other needs of the contracting parties concerned.

Article XXX

Amendments

1. (a) Except as provided for in paragraph 3 of this Article, amendments to the provisions of this Agreement shall be made in accordance with the provisions of this paragraph.

(b) Amendments to the provisions of this Agreement shall be submitted to the contracting parties for acceptance in accordance with sub-paragraphs (c) and (d) below; *Provided* that such amendments have been approved by the Organization by a majority of two-thirds of the votes cast.

(c) Amendments to the provisions of Part I of this Agreement or of this Article shall become effective on the thirtieth day following the day on which they have been accepted by all the contracting parties.

(d) Other amendments to this Agreement shall become effective in respect of those contracting parties which have accepted them on the thirtieth day following the day on which they have been accepted by two-thirds of the contracting parties, and thereafter for each other contracting party on the thirtieth day following the day on which they have been accepted by it.

2. (a) The Organization may decide that any amendment made effective under paragraph 1 (d) of this Article is of such a nature that any contracting party which has not accepted it within a period specified by the Organization shall be free to withdraw from this Agreement or to remain a contracting party with the consent of the Organization.

(b) A withdrawal from this Agreement under sub-paragraph (a) of this paragraph shall take effect upon the expiration of the sixtieth day following the day on which written notice of withdrawal is received by the Director-General of the Organization. A contracting party which, in the circumstances described in sub-paragraph (a), fails to accept the amendment or to give notice of withdrawal, shall cease to be a contracting party upon the expiration of the period referred to in that sub-paragraph or on the sixtieth day following the day on which the Organization shall have decided to withhold their consent to the contracting party remaining a contracting party, whichever date is the later.

3. Any amendment to the schedules annexed to this Agreement which records rectifications of a purely formal character or modifications resulting from action taken under paragraph 6 of Article III, Article XVIII, Article XXIV, Article XXVII or Article XXVIII, shall become effective on the thirtieth day following certification to this effect by the Organization; *Provided* that prior to such certification, all contracting parties have been notified of the proposed amend-

ment and no objection has been raised, within thirty days of such notification by any contracting party, on the ground that the proposed amendments are not within the terms of this paragraph.

Article XXXI

Withdrawal

Without prejudice to the provisions of paragraph 12 of Article XVIII or of paragraph 2 of Article XXX, any contracting party may withdraw from this Agreement, or may separately withdraw on behalf of any of the separate customs territories for which it has international responsibility and which at the time possesses full autonomy in the conduct of its external commercial relations and of the other matters provided for in this Agreement. The withdrawal shall take effect upon the expiration of six months from the day on which written notice of withdrawal is received by the Director-General of the Organization.

Article XXXII

Contracting Parties

1. The contracting parties to this Agreement shall be understood to mean those governments which are applying the provisions of this Agreement under Articles XXVI or XXXIII or pursuant to the Protocol of Provisional Application.

2. At any time after the entry into force of this Agreement pursuant to paragraph 6 of Article XXVI, those contracting parties which have accepted this Agreement pursuant to paragraph 4 of Article XXVI may decide that any contracting party which has not so accepted it shall cease to be a contracting party.

Article XXXIII

Accession

A government not a contracting party to this Agreement may accede thereto on terms to be agreed between such government and the Organization; *Provided* that such government has accepted the Agreement on the Organization for Trade Cooperation. Decisions of the Organization under this paragraph shall be taken by a majority comprising two-thirds of the contracting parties.

Article XXXIV

Annexes

The annexes to this Agreement are hereby made an integral part of this Agreement.

Article XXXV

Non-application of the Agreement between particular Contracting Parties

1. This Agreement, or alternatively Article III of this Agreement shall not apply as between any contracting party and any other contracting party if:

- (a) the two contracting parties have not entered into tariff negotiations with each other, and
- (b) either of the contracting parties, at the time either becomes a contracting party, does not consent to such application.

2. The Organization may review the operation of this Article in particular cases at the request of any contracting party and make appropriate recommendations.

ANNEX A

LIST OF TERRITORIES REFERRED TO IN PARAGRAPH 2 (a) OF ARTICLE II

United Kingdom of Great Britain and Northern Ireland
Dependent territories of the United Kingdom of Great Britain and Northern Ireland
Canada
Commonwealth of Australia
Dependent territories of the Commonwealth of Australia
New Zealand
Dependent territories of New Zealand
Union of South Africa including South West Africa
Ireland
India
Pakistan
Southern Rhodesia
Burma
Ceylon

Certain of the territories listed above have two or more preferential rates in force for certain products. Any such territory may, by agreement with the other contracting parties which are principal suppliers of such products at the most-favoured-nation rate, substitute for such preferential rates a single preferential rate which shall not on the whole be less favourable to suppliers at the most-favoured-nation rate than the preferences in force prior to such substitution.

The imposition of an equivalent margin of tariff preference to replace a margin of preference in an internal tax existing on 10 April 1947, exclusively between two or more of the territories listed in this Annex or to replace the preferential quantitative arrangements described in the following paragraph, shall not be deemed to constitute an increase in a margin of tariff preference.

The preferential arrangements referred to in paragraph 5 (b) of Article XIV are those existing in the United Kingdom on 10 April 1947

under contractual agreements with the Governments of Canada, Australia and New Zealand, in respect of chilled and frozen beef and veal, frozen mutton and lamb, chilled and frozen pork, and bacon. It is the intention, without prejudice to any action taken under subparagraph (h) of Article XX, that these arrangements shall be eliminated or replaced by tariff preferences, and that negotiations to this end shall take place as soon as practicable among the countries substantially concerned or involved.

The film hire tax in force in New Zealand on 10 April 1947, shall, for the purposes of this Agreement, be treated as a customs duty under Article II. The renters' film quota in force in New Zealand on 10 April 1947, shall, for the purposes of this Agreement, be treated as a screen quota under Article IV.

ANNEX B

LIST OF TERRITORIES OF THE FRENCH UNION REFERRED TO IN PARAGRAPH 2 (b) OF ARTICLE II

France

French Equatorial Africa (Treaty Basin of the Congo¹ and other territories)

French West Africa

Cameroons under French Trusteeship¹

French Somali Coast and Dependencies

French Establishments in Oceania

French Establishments in the Condominium of the New Hebrides¹

Indo-China

Madagascar and Dependencies

Morocco (French zone)

New Caledonia and Dependencies

Saint-Pierre and Miquelon

Togo under French Trusteeship¹

Tunisia

ANNEX C

LIST OF TERRITORIES OF THE CUSTOMS UNION OF BELGIUM, LUXEMBURG AND THE NETHERLANDS REFERRED TO IN PARAGRAPH 2 (b) OF ARTICLE II

The Belgium-Luxemburg Economic Union

Belgian Congo

Ruanda Urundi

Netherlands, Kingdom of the

New Guinea

Surinam

Netherlands Antilles

Republic of Indonesia

For imports into the metropolitan territories constituting the Customs Union.

¹ For imports into Metropolitan France and Territories of the French Union.

ANNEX D

LIST OF TERRITORIES REFERRED TO IN PARAGRAPH 2 (b) OF ARTICLE II
AS RESPECTS THE UNITED STATES OF AMERICA

United States of America (customs territory)
 Dependent territories of the United States of America
 Republic of the Philippines

The imposition of an equivalent margin of tariff preference to replace a margin of preference in an internal tax existing on 10 April 1947, exclusively between two or more of the territories listed in this Annex shall not be deemed to constitute an increase in a margin of tariff preference.

ANNEX E

LIST OF TERRITORIES COVERED BY PREFERENTIAL ARRANGEMENTS
BETWEEN NEIGHBOURING COUNTRIES REFERRED TO IN PARAGRAPH
2 (d) OF ARTICLE II

(i) Chile on the one hand, and

1. Argentina
2. Bolivia
3. Peru, on the other.

(ii) Uruguay and Paraguay

ANNEX F

DATES ESTABLISHING MAXIMUM MARGINS OF PREFERENCE REFERRED
TO IN PARAGRAPH 4 OF ARTICLE II

Australia	15 October 1946
Canada	1 July 1939
France	1 January 1939
Union of South Africa	1 July 1938
Southern Rhodesia	1 May 1941

ANNEX G

PERCENTAGE SHARES OF TOTAL EXTERNAL TRADE TO BE USED FOR
THE PURPOSE OF MAKING THE DETERMINATION REFERRED TO IN
ARTICLE XXVI

(based on the average of 1949-1953)

If, prior to the accession of the Government of Japan to the General Agreement, the present Agreement has been accepted by contracting parties the external trade of which under column I accounts for the percentage of such trade specified in paragraph 6 of Article XXVI, column I shall be applicable for the purposes of that paragraph. If

the present Agreement has not been so accepted prior to the accession of the Government of Japan, column II shall be applicable for the purposes of that paragraph.

	<i>Column I</i> (Contracting parties on 1 March 1955)	<i>Column II</i> (Contracting parties on 1 March 1955 and Japan)
Australia	3.1	3.0
Austria	0.9	0.8
Belgium-Luxemburg	4.3	4.2
Brazil	2.5	2.4
Burma	0.3	0.3
Canada	6.7	6.5
Ceylon	0.5	0.5
Chile	0.6	0.6
Cuba	1.1	1.1
Czechoslovakia	1.4	1.4
Denmark	1.4	1.4
Dominican Republic	0.1	0.1
Finland	1.0	1.0
France	8.7	8.5
Germany, Federal Republic of	5.3	5.2
Greece	0.4	0.4
Haiti	0.1	0.1
India	2.4	2.4
Indonesia	1.3	1.3
Italy	2.9	2.8
Netherlands, Kingdom of the	4.7	4.6
New Zealand	1.0	1.0
Nicaragua	0.1	0.1
Norway	1.1	1.1
Pakistan	0.9	0.8
Peru	0.4	0.4
Rhodesia and Nyasaland . .	0.6	0.6
Sweden	2.5	2.4
Turkey	0.6	0.6
Union of South Africa . . .	1.8	1.8
United Kingdom	20.3	19.8
United States of America . .	20.6	20.1
Uruguay	0.4	0.4
Japan	—	2.3
	<hr/> 100.0 <hr/>	<hr/> 100.0 <hr/>

Note: These percentages have been computed taking into account the trade of all territories in respect of which the General Agreement on Tariffs and Trade is applied.

ANNEX H

NOTES AND SUPPLEMENTARY PROVISIONS

*Ad Article II**Paragraph 1.*

The obligations incorporated in paragraph 1 of Article II by reference to paragraphs 2 and 4 of Article IV and those incorporated in paragraph 2 (b) of Article III by reference to Article VI shall be considered as falling within Part II for the purposes of the Protocol of Provisional Application.

Paragraph 4.

The term "margin of preference" means the absolute difference between the most-favoured-nation rate of duty and the preferential rate of duty for the like product, and not the proportionate relations between those rates. As examples:

- (1) If the most-favoured-nation rate were 36 per cent *ad valorem* and the preferential rate were 24 per cent *ad valorem*, the margin of preference would be 12 per cent *ad valorem*, and not one-third of the most-favoured-nation rate;
- (2) If the most-favoured-nation rate were 36 per cent *ad valorem* and the preferential rate were expressed as two-thirds of the most-favoured-nation rate, the margin of preference would be 12 per cent *ad valorem*;
- (3) If the most-favoured-nation rate were 2 francs per kilogramme and the preferential rate were 1.50 francs per kilogramme, the margin of preference would be 0.50 francs per kilogramme.

The following kinds of customs action, taken in accordance with established uniform procedures, would not be contrary to a general binding of margins of preference:

- (i) The re-application to an imported product of a tariff classification or rate of duty, properly applicable to such product, in cases in which the application of such classification or rate to such product was temporarily suspended or inoperative on April 10, 1947; and
- (ii) The classification of a particular product under a tariff item other than that under which importations of that product were classified on April 10, 1947, in cases in which the tariff law clearly contemplates that such product may be classified under more than one tariff item.

*Ad Article III**Paragraph 2 (b).*

See the note relating to paragraph 1 of Article II.

Paragraph 4.

The provisions of this paragraph will be applied in the light of the following:

1. The protection afforded through the operation of an import monopoly in respect of products described in the appropriate schedule shall be limited by means of:

- (a) a maximum import duty that may be applied in respect of the product concerned; or
- (b) any other mutually satisfactory arrangement consistent with the provisions of this Agreement; any contracting party entering into negotiations with a view to concluding such arrangement shall afford to other interested contracting parties an opportunity for consultation.

2. The import duty mentioned in 1 (a) above shall represent the margin by which the price charged by the import monopoly for the imported product (exclusive of internal taxes conforming to the provisions of Article IV, transportation, distribution, and other expenses incident to the purchase, sale or further processing, and a reasonable margin of profit) exceeds the landed cost; *Provided* that regard may be had to average landed costs and selling prices over recent periods; and *Provided* further that, where the product concerned is a primary commodity which is the subject of a domestic price stabilization arrangement, provisions may be made for adjustment to take account of wide fluctuations or variations in world prices, subject to agreement between the countries parties to the negotiations.

Ad Article IV

Any internal tax or other internal charge, or any law, regulation or requirement of the kind referred to in paragraph 1 which applies to an imported product and to the like domestic product and is collected or enforced in the case of the imported product at the time or point of importation, is nevertheless to be regarded as an internal tax or other internal charge, or a law, regulation or requirement of the kind referred to in paragraph 1, and is accordingly subject to the provisions of Article IV.

Paragraph 1.

The application of paragraph 1 to internal taxes imposed by local governments and authorities within the territory of a contracting party is subject to the provisions of the final paragraph of Article XXIV. The term "reasonable measures" in the last-mentioned paragraph would not require, for example, the repeal of existing national legislation authorizing local governments to impose internal taxes which, although technically inconsistent with the letter of Article IV, are not in fact inconsistent with its spirit, if such repeal would result in a serious financial hardship for the local governments or authorities concerned. With regard to taxation by local governments or au-

thorities which is inconsistent with both the letter and spirit of Article IV, the term "reasonable measures" would permit a contracting party to eliminate the inconsistent taxation gradually over a transition period, if abrupt action would create serious administrative and financial difficulties.

Paragraph 2.

A tax conforming to the requirements of the first sentence of paragraph 2 would be considered to be inconsistent with the provisions of the second sentence only in cases where competition was involved between, on the one hand, the taxed product and, on the other hand, a directly competitive or substitutable product which was not similarly taxed.

Paragraph 5.

Regulations consistent with the provisions of the first sentence of paragraph 5 shall not be considered to be contrary to the provisions of the second sentence in any case in which all of the products subject to the regulations are produced domestically in substantial quantities. A regulation cannot be justified as being consistent with the provisions of the second sentence on the ground that the proportion or amount allocated to each of the products which are the subject of the regulation constitutes an equitable relationship between imported and domestic products.

Ad Article V

Paragraph 5.

With regard to transportation charges, the principle laid down in paragraph 5 refers to like products being transported on the same route under like conditions.

Ad Article VI

Paragraph 1.

1. Hidden dumping by associated houses (that is, the sale by an importer at a price below that corresponding to the price invoiced by an exporter with whom the importer is associated, and also below the price in the exporting country) constitutes a form of price dumping with respect to which the margin of dumping may be calculated on the basis of the price at which the goods are resold by the importer.

2. It is recognized that, in the case of imports from a country which has a complete or substantially complete monopoly of its trade and where all domestic prices are fixed by the State, special difficulties may exist in determining price comparability for the purposes of paragraph 1, and in such cases importing contracting parties may find it necessary to take into account the possibility that a strict comparison with domestic prices in such a country may not always be appropriate.

Paragraphs 2 and 3.

1. As in many other cases in customs administration, a contracting party may require reasonable security (bond or cash deposit) for the

payment of anti-dumping or countervailing duty pending final determination of the facts in any case of suspected dumping or subsidization.

2. Multiple currency practices can in certain circumstances constitute a subsidy to exports which may be met by countervailing duties under paragraph 3 or can constitute a form of dumping by means of a partial depreciation of a country's currency which may be met by action under paragraph 2. By "multiple currency practices" is meant practices by governments or sanctioned by governments.

Paragraph 6 (b).

Waivers under the provisions of this sub-paragraph shall be granted only on application by the contracting party proposing to levy an anti-dumping or countervailing duty, as the case may be.

Ad Article VII

Paragraph 1.

The expression "or other charges" is not to be regarded as including internal taxes or equivalent charges imposed on or in connection with imported products.

Paragraph 2.

1. It would be in conformity with Article VII to presume that "actual value" may be represented by the invoice price, plus any non-included charges for legitimate costs which are proper elements of "actual value" and plus any abnormal discount or other reduction from the ordinary competitive price.

2. It would be in conformity with Article VII, paragraph 2 (b), for a contracting party to construe the phrase "in the ordinary course of trade . . . under fully competitive conditions", as excluding any transaction wherein the buyer and seller are not independent of each other and price is not the sole consideration.

3. The standard of "fully competitive conditions" permits a contracting party to exclude from consideration prices involving special discounts limited to exclusive agents.

4. The wording of sub-paragraphs (a) and (b) permits a contracting party to determine the value for customs purposes uniformly either (1) on the basis of a particular exporter's prices of the imported merchandise, or (2) on the basis of the general price level of like merchandise.

Ad Article VIII

1. While Article VIII does not cover the use of multiple rates of exchange as such, paragraphs 1 and 4 condemn the use of exchange taxes or fees as a device for implementing multiple currency practices; if, however, a contracting party is using multiple currency exchange fees for balance of payments reasons with the approval of the International Monetary Fund, the provisions of paragraph 9 (a) of Article XV fully safeguard its position.

2. It would be consistent with paragraph 1 if, on the importation of

products from the territory of a contracting party into the territory of another contracting party, the production of certificates of origin should only be required to the extent that is strictly indispensable.

Ad Articles XI, XII, XIII and XIV

Throughout Articles XI, XII, XIII and XIV the terms "import restrictions" or "export restrictions" include restrictions made effective through state-trading operations.

Ad Article XI

Paragraph 2 (c).

The term "in any form" in this paragraph covers the same products when in an early stage of processing and still perishable, which compete directly with the fresh product and if freely imported would tend to make the restriction on the fresh product ineffective.

Paragraph 2, last sub-paragraph.

The term "special factors" include changes in relative productive efficiency as between domestic and foreign producers, or as between different foreign producers, but not changes artificially brought about by means not permitted under the Agreement.

Ad Article XII

The Organization shall make provision for the utmost secrecy in the conduct of any consultation under the provisions of this Article.

Paragraph 3 (c) (i).

Contracting parties applying restrictions shall endeavour to avoid causing serious prejudice to exports of a commodity on which the economy of a contracting party is largely dependent.

Paragraph 4 (b).

It is agreed that the date shall be within ninety days after the entry into force of the amendments of this Article effected by the Protocol Amending the Preamble and Parts II and III of this Agreement. However, should the Organization find that conditions were not suitable for the application of the provisions of this sub-paragraph at the time envisaged, it may determine a later date; *Provided* that such date is not more than thirty days after such time as the obligations of Article VIII, Sections 2, 3 and 4 of the Articles of Agreement of the International Monetary Fund become applicable to contracting parties, members of the Fund, the combined foreign trade of which constitutes at least fifty per centum of the aggregate foreign trade of all contracting parties.

Paragraph 4 (e).

It is agreed that paragraph 4 (e) does not add any new criteria for the imposition or maintenance of quantitative restrictions for balance of payments reasons. It is solely intended to ensure that all

external factors such as changes in the terms of trade, quantitative restrictions, excessive tariffs and subsidies, which may be contributing to the balance of payments difficulties of the contracting party applying restrictions will be fully taken into account.

Ad Article XIII

Paragraph 2 (d).

No mention was made of "commercial considerations" as a rule for the allocation of quotas because it was considered that its application by governmental authorities might not always be practicable. Moreover, in cases where it is practicable, a contracting party could apply these considerations in the process of seeking agreement, consistently with the general rule laid down in the opening sentence of paragraph 2.

Paragraph 4.

See note relating to "special factors" in connection with the last sub-paragraph of paragraph 2 of Article XI.

Ad Article XIV

Paragraph 1.

The provisions of this paragraph shall not be so construed as to preclude full consideration by the Organization, in the consultations provided for in paragraph 4 of Article XII and in paragraph 12 of Article XVIII, of the nature, effects and reasons for discrimination in the field of import restrictions.

Paragraph 2.

One of the situations contemplated in paragraph 2 is that of a contracting party holding balances acquired as a result of current transactions which it finds itself unable to use without a measure of discrimination.

Ad Article XV

Paragraph 4.

The word "frustrate" is intended to indicate, for example, that infringements of the letter of any Article of this Agreement by exchange action shall not be regarded as a violation of that Article if, in practice, there is no appreciable departure from the intent of the Article. Thus, a contracting party which, as part of its exchange control operated in accordance with the Articles of Agreement of the International Monetary Fund, requires payment to be received for its exports in its own currency or in the currency of one or more members of the International Monetary Fund will not thereby be deemed to contravene Article XI or Article XIII. Another example would be that of a contracting party which specifies on an import licence the country from which the goods may be imported, for the purpose not of introducing any additional element of discrimination in its import licensing system but of enforcing permissible exchange controls.

Ad Article XVI

The exemption of an exported product from duties or taxes borne by the like product when destined for domestic consumption, or the remission of such duties or taxes in amounts not in excess of those which have accrued, shall not be deemed to be a subsidy.

Section B.

1. Nothing in Section B shall preclude the use by a contracting party of multiple rates of exchange in accordance with the Articles of Agreement of the International Monetary Fund.

2. For the purposes of Section B, a "primary product" is understood to be any product of farm, forest or fishery, or any mineral, in its natural form or which has undergone such processing as is customarily required to prepare it for marketing in substantial volume in international trade.

Paragraph 3.

1. The fact that a contracting party has not exported the product in question during the previous representative period would not in itself preclude that contracting party from establishing its right to obtain a share of the trade in the product concerned.

2. A system for the stabilization of the domestic price or of the return to domestic producers of a primary product independently of the movements of export prices, which results at times in the sale of the product for export at a price lower than the comparable price charged for the like product to buyers in the domestic market, shall be considered not to involve a subsidy on exports within the meaning of paragraph 3 if the Organization determines that:

- (a) the system has also resulted, or is so designed as to result, in the sale of the product for export at a price higher than the comparable price charged for the like product to buyers in the domestic market; and
- (b) the system is so operated, or is designed so to operate, either because of the effective regulation of production or otherwise, as not to stimulate exports unduly or otherwise seriously to prejudice the interests of other contracting parties.

Notwithstanding such determination by the Organization, operations under such a system shall be subject to the provisions of paragraph 3 where they are wholly or partly financed out of government funds in addition to the funds collected from producers in respect of the product concerned.

Paragraph 4.

The intention of paragraph 4 is that the contracting parties should seek before the end of 1957 to reach agreement to abolish all remaining subsidies as from 1 January 1958; or, failing this, to reach agreement to extend the application of the standstill until the earliest date thereafter by which they can expect to reach such agreement.

*Ad Article XVII**Paragraph 1.*

The operations of Marketing Boards, which are established by contracting parties and are engaged in purchasing or selling, are subject to the provisions of sub-paragraphs (a) and (b).

The activities of Marketing Boards which are established by contracting parties and which do not purchase or sell but lay down regulations covering private trade are governed by the relevant Articles of this Agreement.

The charging by a state enterprise of different prices for its sales of a product in different markets is not precluded by the provisions of this Article, provided that such different prices are charged for commercial reasons, to meet conditions of supply and demand in export markets.

Paragraph 1 (a).

Governmental measures imposed to ensure standards of quality and efficiency in the operation of external trade, or privileges granted for the exploitation of national natural resources but which do not empower the government to exercise control over the trading activities of the enterprise in question, do not constitute "exclusive or special privileges".

Paragraph 1 (b).

A country receiving a "tied loan" is free to take this loan into account as a "commercial consideration" when purchasing requirements abroad.

Paragraph 2.

The term "goods" is limited to products as understood in commercial practice, and is not intended to include the purchase or sale of services.

Paragraph 3.

Negotiations which contracting parties agree to conduct under this paragraph may be directed towards the reduction of duties and other charges on imports and exports or towards the conclusion of any other mutually satisfactory arrangement consistent with the provisions of this Agreement. (See paragraph 4 of Article III and the note to that paragraph.)

Paragraph 4 (b).

The term "import mark-up" in this paragraph shall represent the margin by which the price charged by the import monopoly for the imported product (exclusive of internal taxes within the purview of Article IV, transportation, distribution, and other expenses incident to the purchase, sale or further processing, and a reasonable margin of profit) exceeds the landed cost.

Ad Article XVIII

The Organization and the contracting parties concerned shall preserve the utmost secrecy in respect of matters arising under this Article.

Paragraphs 1 and 4.

1. When they consider whether the economy of a contracting party "can only support low standards of living", the Organization shall take into consideration the normal position of that economy and shall not base their determination on exceptional circumstances such as those which may result from the temporary existence of exceptionally favourable conditions for the staple export product or products of such contracting party.

2. The phrase "in the early stages of development" is not meant to apply only to contracting parties which have just started their economic development, but also to contracting parties the economies of which are undergoing a process of industrialization to correct an excessive dependence on primary production.

Paragraphs 2, 3, 7, 13 and 22.

The reference to the establishment of particular industries shall apply not only to the establishment of a new industry, but also to the establishment of a new branch of production in an existing industry and to the substantial transformation of an existing industry, and to the substantial expansion of an existing industry supplying a relatively small proportion of the domestic demand. It shall also cover the reconstruction of an industry destroyed or substantially damaged as a result of hostilities or natural disasters.

Paragraph 7 (b).

A modification or withdrawal, pursuant to paragraph 7 (b), by a contracting party, other than the applicant contracting party, referred to in paragraph 7 (a), shall be made within six months of the day on which the action is taken by the applicant contracting party, and shall become effective on the thirtieth day following the day on which such modification or withdrawal has been notified to the Organization.

Paragraph 11.

The second sentence in paragraph 11 shall not be interpreted to mean that a contracting party is required to relax or remove restrictions if such relaxation or removal would thereupon produce conditions justifying the intensification or institution, respectively, of restrictions under paragraph 9 of Article XVIII.

Paragraph 12 (b).

The date referred to in paragraph 12 (b) shall be the date determined by the Organization in accordance with the provisions of paragraph 4 (b) of Article XII of this Agreement.

Paragraphs 13 and 14.

It is recognized that, before deciding on the introduction of a measure and notifying the Organization in accordance with paragraph 14, a contracting party may need a reasonable period of time to assess the competitive position of the industry concerned.

Paragraphs 15 and 16.

It is understood that the Organization shall invite a contracting party proposing to apply a measure under Section C to consult with it pursuant to paragraph 16 if it is requested to do so by a contracting party the trade of which would be appreciably affected by the measure in question.

Paragraphs 16, 18, 19 and 22.

1. It is understood that the Organization may concur in a proposed measure subject to specific conditions or limitations. If the measure as applied does not conform to the terms of the concurrence it will to that extent be deemed a measure in which the Organization has not concurred. In cases in which the Organization has concurred in a measure for a specified period, the contracting party concerned, if it finds that the maintenance of the measure for a further period of time is required to achieve the objective for which the measure was originally taken, may apply to the Organization for an extension of that period in accordance with the provisions and procedures of Section C or D, as the case may be.

2. It is expected that the Organization will, as a rule, refrain from concurring in a measure which is likely to cause serious prejudice to exports of a commodity on which the economy of a contracting party is largely dependent.

Paragraphs 18 and 22.

The phrase "that the interests of other contracting parties are adequately safeguarded" is meant to provide latitude sufficient to permit consideration in each case of the most appropriate method of safeguarding those interests. The appropriate method may, for instance, take the form of an additional concession to be applied by the contracting party having recourse to Section C or D during such time as the deviation from the other Articles of the Agreement would remain in force or of the temporary suspension by any other contracting party referred to in paragraph 18 of a concession substantially equivalent to the impairment due to the introduction of the measure in question. Such contracting party would have the right to safeguard its interests through such a temporary suspension of a concession; *Provided* that this right will not be exercised when, in the case of a measure imposed by a contracting party coming within the scope of paragraph 4 (a), the Organization has determined that the extent of the compensatory concession proposed was adequate.

Paragraph 19.

The provisions of paragraph 19 are intended to cover the cases where an industry has been in existence beyond the "reasonable period of time" referred to in the note to paragraphs 13 and 14, and should not be so construed as to deprive a contracting party coming within the scope of paragraph 4 (a) of Article XVIII, of its right to resort to the other provisions of Section C, including paragraph 17, with regard to a newly established industry even though it has benefited from incidental protection afforded by balance of payments import restrictions.

Paragraph 21.

Any measure taken pursuant to the provisions of paragraph 21 shall be withdrawn forthwith if the action taken in accordance with paragraph 17 is withdrawn or if the Organization concurs in the measure proposed after the expiration of the ninety-day time limit specified in paragraph 17.

*Ad Article XX**Sub-paragraph (h).*

The exception provided for in this sub-paragraph extends to any commodity agreement which conforms to the principles approved by the Economic and Social Council in its Resolution 30 (IV) of 28 March 1947.¹

*Ad Article XXIV**Paragraph 9.*

It is understood that the provisions of Article II would require that, when a product which has been imported into the territory of a member of a customs union or free-trade area at a preferential rate of duty is reexported to the territory of another member of such union or area, the latter member should collect a duty equal to the difference between the duty already paid and any higher duty that would be payable if the product were being imported directly into its territory.

Paragraph 11.

Measures adopted by India and Pakistan in order to carry out definitive trade arrangements between them, once they have been agreed upon, might depart from particular provisions of this Agreement, but these measures would in general be consistent with the objectives of the Agreement.

Ad Article XXVIII

The Organization and each contracting party concerned should arrange to conduct the negotiations and consultations with the greatest possible secrecy in order to avoid premature disclosure of details of

¹ *Resolutions Adopted by the Economic and Social Council During Its Fourth Session From 28 February to 29 March 1947 (E/437), pp. 3-4.*

prospective tariff changes. The Organization shall be informed immediately of all changes in national tariffs resulting from recourse to this Article.

Paragraph 1.

1. If the Organization specifies a period other than a three-year period, a contracting party may act pursuant to paragraph 1 or paragraph 3 of Article XXVIII on the first day following the expiration of such other period and, unless the Organization has again specified another period, subsequent periods will be three-year periods following the expiration of such specified period.

2. The provision that on 1 January 1958, and on other days determined pursuant to paragraph 1, a contracting party "may . . . modify or withdraw a concession" means that on such day, and on the first day after the end of each period, the legal obligation of such contracting party under Article III is altered; it does not mean that the changes in its customs tariff should necessarily be made effective on that day. If a tariff change resulting from negotiations undertaken pursuant to this Article is delayed, the entry into force of any compensatory concessions may be similarly delayed.

3. Not earlier than six months, nor later than three months, prior to 1 January 1958, or to the termination date of any subsequent period, a contracting party wishing to modify or withdraw any concession embodied in the appropriate Schedule, should notify the Organization to this effect. The Organization shall then determine the contracting party or contracting parties with which the negotiations or consultations referred to in paragraph 1 shall take place. Any contracting party so determined shall participate in such negotiations or consultations with the applicant contracting party with the aim of reaching agreement before the end of the period. Any extension of the assured life of the Schedules shall relate to the Schedules as modified after such negotiations, in accordance with paragraphs 1, 2 and 3 of Article XXVIII. If the Organization is arranging for multilateral tariff negotiations to take place within the period of six months before 1 January 1958, or before any other day determined pursuant to paragraph 1, it shall include in the arrangements for such negotiations suitable procedures for carrying out the negotiations referred to in this paragraph.

4. The object of providing for the participation in the negotiations of any contracting party with a principal supplying interest, in addition to any contracting party with which the concession was initially negotiated, is to ensure that a contracting party with a larger share in the trade affected by the concession than a contracting party with which the concession was initially negotiated shall have an effective opportunity to protect the contractual right which it enjoys under this Agreement. On the other hand, it is not intended that the scope of the negotiations should be such as to make negotiations and agreement under Article XXVIII unduly difficult nor to create complications in the application of this Article in the future to concessions which

result from negotiations thereunder. Accordingly, the Organization should only determine that a contracting party has a principal supplying interest if that contracting party has had, over a reasonable period of time prior to the negotiations, a larger share in the market of the applicant contracting party than a contracting party with which the concession was initially negotiated or would, in the judgment of the Organization, have had such a share in the absence of discriminatory quantitative restrictions maintained by the applicant contracting party. It would therefore not be appropriate for the Organization to determine that more than one contracting party, or in those exceptional cases where there is near equality more than two contracting parties, had a principal supplying interest.

5. Notwithstanding the definition of a principal supplying interest in note 4 to paragraph 1, the Organization may exceptionally determine that a contracting party has a principal supplying interest if the concession in question affects trade which constitutes a major part of the total exports of such contracting party.

6. It is not intended that provision for participation in the negotiations of any contracting party with a principal supplying interest, and for consultation with any contracting party having a substantial interest in the concession which the applicant contracting party is seeking to modify or withdraw, should have the effect that it should have to pay compensation or suffer retaliation greater than the withdrawal or modification sought, judged in the light of the conditions of trade at the time of the proposed withdrawal or modification, making allowance for any discriminatory quantitative restrictions maintained by the applicant contracting party.

7. The expression "substantial interest" is not capable of a precise definition and accordingly may present difficulties for the Organization. It is, however, intended to be construed to cover only those contracting parties which have, or in the absence of discriminatory quantitative restrictions affecting their exports could reasonably be expected to have, a significant share in the market of the contracting party seeking to modify or withdraw the concession.

Paragraph 4.

1. Any request for authorization to enter into negotiations shall be accompanied by all relevant statistical and other data. A decision on such request shall be made within thirty days of its submission.

2. It is recognized that to permit certain contracting parties, depending in large measure on a relatively small number of primary commodities and relying on the tariff as an important aid for furthering diversification of their economies or as an important source of revenue, normally to negotiate for the modification or withdrawal of concessions only under paragraph 1 of Article XXVIII, might cause them at such a time to make modifications or withdrawals which in the long run would prove unnecessary. To avoid such a situation the Organization shall authorize any such contracting party, under paragraph 4, to enter into negotiations unless they consider this would result in, or

contribute substantially towards, such an increase in tariff levels as to threaten the stability of the Schedules to this Agreement or lead to undue disturbance of international trade.

3. It is expected that negotiations authorized under paragraph 4 for modification or withdrawal of a single item, or a very small group of items, could normally be brought to a conclusion in sixty days. It is recognized, however, that such a period will be inadequate for cases involving negotiations for the modification or withdrawal of a larger number of items and in such cases, therefore, it would be appropriate for the Organization to prescribe a longer period.

4. The determination referred to in paragraph 4 (d) shall be made by the Organization within thirty days of the submission of the matter to it, unless the applicant contracting party agrees to a longer period.

5. In determining under paragraph 4 (d) whether an applicant contracting party has unreasonably failed to offer adequate compensation, it is understood that the Organization will take due account of the special position of a contracting party which has bound a high proportion of its tariffs at very low rates of duty and to this extent has less scope than other contracting parties to make compensatory adjustment.

Ad Article XXIX

Paragraph 3.

It is understood that the reference to fiscal needs would include the revenue aspect of duties and particularly duties imposed primarily for revenue purposes or duties imposed on products which can be substituted for products subject to revenue duties to prevent the avoidance of such duties.

Ad Article XXX

The acceptance of amendments pursuant to this paragraph shall be in such form as may be determined by the Organization.

Ad Article XXXIII

Similarly, a government, acting on behalf of a separate customs territory possessing full autonomy in the conduct of its external commercial relations and of other matters provided for in this Agreement, may accede to this Agreement on behalf of that territory on terms applicable thereto.

8. ORGANIZATION FOR TRADE COOPERATION (OTC): Agreement Between the Contracting Parties to the General Agreement on Tariffs and Trade, March 10, 1955¹

PART I

GENERAL

Article 1—Establishment.

The Organization for Trade Cooperation (hereinafter referred to as "the Organization") is hereby established to further, as provided for in the General Agreement and herein, the achievement of the purposes and objectives set forth in the General Agreement on Tariffs and Trade² (herein referred to as "the General Agreement").

Article 2—Membership.

The Members of the Organization shall be the contracting parties to the General Agreement. Governments which become or cease to be contracting parties to the General Agreement shall become or cease to be Members of the Organization. The Organization may, by a two-thirds majority of the votes cast, invite governments which are not or which cease to be contracting parties to the General Agreement to participate in such activities of the Organization and on such terms as it shall decide; *Provided* that in no case shall such participation involve the right to vote or to be counted in determining the fulfilment of the relevant voting requirements when the Organization is exercising any function relating directly to the General Agreement.

Article 3—Functions.

(a) The Organization shall administer the General Agreement and generally facilitate the operation of that Agreement.

(b) In addition, the Organization shall have the following functions:

- (i) to facilitate intergovernmental consultations on questions relating to international trade;
- (ii) to sponsor international trade negotiations;

¹ *General Agreement on Tariffs and Trade: Basic Instruments and Selected Documents*, vol. I (Revised), *Texts of the General Agreement as Amended, and of the Agreement on the Organization for Trade Cooperation* (Geneva, the Contracting Parties to the General Agreement on Tariffs and Trade, Apr. 1955), pp. 75-84; Department of State *Bulletin*, Apr. 4, 1955, pp. 579-582; H. Rept. No. 2007, 84th Cong., 2d sess., pp. 93-107. On the basis of the Randall Report (see *supra*, doc. 3), the President in his message to Congress of Mar. 30, 1954 (*supra*, doc. 4) called for the renegotiation of the organizational and operational provisions of GATT. His message of Jan. 10, 1955 (*supra*, doc. 6) was in the same vein. On Apr. 14, 1955, the President requested legislation authorizing U.S. membership in the Organization for Trade Cooperation; Department of State *Bulletin*, Apr. 25, 1955, pp. 678-680. He repeated this request or recommendation in the State of the Union Message of Jan. 5, 1956 (*supra*, pp. 129-133), and in a letter of Jan. 24, 1956, transmitting to Congress the Economic Report of the President; H. Doc. 280, 84th Cong., 2d sess. The agreement, however, has not entered into force (as of June 15, 1956).

² Agreement of Oct. 30, 1947, as amended Mar. 10, 1955; *supra*.

- (iii) to study questions of international trade and commercial policy and, where appropriate, make recommendations thereon;
- (iv) to collect, analyze and publish information and statistical data relating to international trade and commercial policy, due regard being paid to the activities in this field of other international bodies.

(c) The Organization shall, in carrying out these functions, endeavour to give full effect to the provisions of Article 1 of this Agreement.

(d) The Organization shall have no authority to amend the provisions of the General Agreement; no decision or other action of the Assembly or any subsidiary body of the Organization shall have the effect of imposing on a Member any new obligation which the Member has not specifically agreed to undertake.

PART II

STRUCTURE AND ADMINISTRATION OF THE ORGANIZATION

Article 4—Structure in General.

The Organization shall have an Assembly, an Executive Committee and a Secretariat.

Article 5—The Assembly.

(a) The Assembly shall consist of all the Members of the Organization.

(b) It shall be the responsibility of the Assembly to carry out the functions of the Organization.

(c) The Assembly shall determine the seat of the Organization.

(d) The Assembly shall meet in regular annual session and in such special sessions as may be convened in accordance with the rules of procedure.

(e) The Assembly shall establish its own rules of procedure and shall approve the rules of procedure of the Executive Committee and of any other subsidiary body.

Article 6—The Executive Committee.

(a) The Executive Committee shall consist of seventeen Members of the Organization elected periodically by the Assembly. Each election shall be for a single term and each Member shall be eligible for re-election. In such elections, the Assembly shall be guided by the following criteria:

- (i) the Executive Committee shall include the five Members of chief economic importance, in the determination of which particular regard shall be paid to their shares in international trade;
- (ii) the Executive Committee shall be representative of the broad geographical areas to which the Members belong;

(iii) the Executive Committee shall be representative of different degrees of economic development, different types of economies and different economic interests.

(b) The Executive Committee shall exercise the powers and perform the duties assigned to it by the Assembly by a majority of two-thirds of the votes cast. Decisions or recommendations of the Executive Committee shall be subject to a right of appeal to the Assembly by any Member in accordance with rules to be prescribed by the Assembly.

(c) Any Member of the Organization which is not a member of the Executive Committee shall be entitled to participate, without the right to vote, in the discussion by the Executive Committee of any matter of concern to it.

Article 7—The Secretariat.

(a) The Assembly shall appoint a Director-General as chief administrative officer of the Organization. The powers, duties, conditions of service and term of office of the Director-General shall conform to regulations approved by the Assembly.

(b) The Director-General or his representative shall be entitled to participate, without the right to vote, in all meetings of the Assembly and subsidiary bodies of the Organization.

(c) The Director-General shall appoint the members of the staff, and shall fix their duties and conditions of service in accordance with regulations approved by the Assembly.

(d) The selection of the members of the staff shall as far as possible be made on a wide geographical basis and with due regard to the various types of economy represented by Member countries. The paramount consideration in the selection of candidates and in determining the conditions of service of the staff shall be the necessity of securing the highest standards of efficiency, competence, impartiality and integrity.

(e) The responsibilities of the Director-General and of the members of the staff shall be exclusively international in character. In the discharge of their duties, they shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials. The Members shall respect the international character of the responsibilities of these persons and shall not seek to influence them in the discharge of their duties.

Article 8—Voting.

(a) At meetings of the Assembly each Member of the Organization shall be entitled to have one vote and, except as otherwise provided for in the General Agreement or in this Agreement, decisions of the Assembly shall be taken by a majority of the votes cast.

(b) Each member of the Executive Committee and of other subsidiary bodies shall have one vote therein; *Provided* that the rules of procedure may require that parties to a dispute shall abstain from voting.

Article 9—Budget and Contributions.

(a) The Director-General shall present to the Assembly, through the Executive Committee, the annual budget estimates and financial statement of the Organization. The Assembly shall approve the accounts and the budget.

(b) The Assembly shall apportion the expenditures of the Organization among the Members, in accordance with a scale of contributions to be fixed by the Assembly, and each Member shall contribute promptly to the Organization its share of these expenditures.

(c) If a Member is in arrears in the payment of its contributions by an amount which equals or exceeds the amount of contributions due from it in respect of the preceding two completed financial years, the Member shall have no vote, and shall not be counted in the determining of the fulfilment of the relevant voting requirements, in the organs of the Organization. If the Assembly is satisfied that the failure to pay is due to circumstances beyond the control of the Member, it may, nevertheless, permit such a Member to vote, and then such Member shall be counted accordingly.

Article 10—Status.

(a) The Organization shall have legal personality.

(b) The Organization shall enjoy in the territory of each of the Members such legal capacity, privileges and immunities as may be necessary for the exercise of its functions.

(c) The representatives of the Members, and the officials of the Organization shall similarly enjoy such privileges and immunities as may be necessary for the independent exercise of their functions in connection with the Organization.

(d) The privileges and immunities to be accorded by a Member to the Organization, to its officials and to the representatives of its Members shall be similar to those accorded by that Member to specialized agencies of the United Nations, to their officials and to the representatives of their members, under the Convention on the Privileges and Immunities of the Specialized Agencies, or under similar arrangements.

Article 11—Relations with other Organizations.

(a) The Organization shall make arrangements with intergovernmental bodies and agencies which have related responsibilities to provide for effective cooperation and the avoidance of unnecessary duplication of activities.

(b) In pursuance of the provisions of the preceding paragraph, the Organization may, by an agreement approved by the Assembly, be brought into relationship with the United Nations, as one of the specialized agencies referred to in Article 57 of the Charter of the United Nations.

(c) The Organization may make suitable arrangements for consultation and cooperation with non-governmental organizations concerned with matters within the scope of the Organization.

PART III

SPECIAL PROVISIONS RELATING TO THE ADMINISTRATION OF THE
GENERAL AGREEMENT*Article 12—Administration in General.*

The Organization shall give effect to those provisions of the General Agreement which provide for action by the Organization, and shall carry out such other activities in relation to the General Agreement which involve joint action. This shall include the taking of decisions, the sponsorship of negotiations and consultations, the conduct of studies, the circulation of proposals and the receipt of reports, in any case in which such action is required or appropriate to carry out the purposes of the General Agreement.

Article 13—Waivers in Exceptional Circumstances.

In exceptional circumstances, not elsewhere provided for in this Agreement, nor provided for in the General Agreement, the Assembly may waive an obligation imposed upon a contracting party by the General Agreement; *Provided* that any such decision shall be approved by a two-thirds majority of the votes cast and that such majority shall comprise more than half of the Members. The Assembly may also by such a vote (i) define certain categories of exceptional circumstances to which other voting requirements shall apply for the waiver of obligations imposed by the General Agreement upon a contracting party thereto, and (ii) prescribe such criteria as may be necessary for the application of this Article.

Article 14—Nullification and Impairment.

(a) If a claim that a benefit accruing directly or indirectly under the General Agreement is being nullified or impaired, or that the attainment of any objective of that Agreement is being impeded, is referred to the Organization in accordance with the provisions of that Agreement, the Organization shall promptly investigate the matter and shall make appropriate recommendations to the contracting parties to the General Agreement which it considers to be concerned, or give a ruling on the matter, as appropriate. The Organization may consult with contracting parties, with the Economic and Social Council of the United Nations, and with any appropriate intergovernmental organization in cases where it considers such consultation necessary.

(b) If the Organization considers that the circumstances are serious enough to justify such action, it may authorize a contracting party or parties to suspend the application to any other contracting party or parties of such concessions or other obligations under the General Agreement as it determines to be appropriate in the circumstances. If the application to any contracting party of any concession or other obligation is in fact suspended, that contracting party shall then be free, not later than sixty days after such action is taken, to give written notice to the Director-General of the Organization of its intention to withdraw from the General Agreement and such with-

drawal shall take effect on the sixtieth day following the day on which such notice is received by him.

Article 15—Continued Application of Provisions of this Part.

The Members shall not, acting as contracting parties to the General Agreement, amend the General Agreement so as to provide therein for procedures, other than consultation, negotiation or recommendation, applicable to the general situations to which Articles 13 and 14 relate.

PART IV

OTHER PROVISIONS

Article 16—Amendments.

Amendments to this Agreement shall become effective, in respect of those Members which accept them, upon acceptance by two-thirds of the Members of the Organization and thereafter in respect of each other Member upon acceptance by it.

Article 17—Entry into Force.

(a) This Agreement shall be deposited, subject to the provisions of Article 21, with the Director-General of the Organization.

(b) This Agreement shall be opened at Geneva on 10 March 1955 for acceptance, by signature or otherwise, by contracting parties to the General Agreement and by any other government which has, in accordance with such rules of procedure as may be established by the Organization, notified the Director-General of its intention to accede.

(c) Without prejudice to the principle laid down in Article 2, this Agreement shall enter into force, as among those governments which are then contracting parties to the General Agreement and which have accepted this Agreement, on the thirtieth day following the day on which it has been accepted by governments named in the Annex to this Agreement the territories of which account for 85 per centum of the total external trade of the territories of such governments, computed in accordance with the appropriate column of percentage set forth therein. This Agreement shall enter into force for each other government which is a contracting party to the General Agreement on the thirtieth day following the day on which it has been accepted thereby. It shall enter into force for each other government which has accepted it when such government accedes to the General Agreement.

Article 18—Notification and Registration.

(a) The Director-General of the Organization shall promptly furnish a certified copy of this Agreement and a notification of its entry into force, and of each acceptance thereof, to each contracting party to the General Agreement.

(b) This Agreement shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

PART V

TRANSITIONAL PROVISIONS

Article 19—Relation to Amendments to the General Agreement.

If this agreement enters into force before the entry into force of amendments to the General Agreement contained in the Protocol of Organizational Amendments to the General Agreement on Tariffs and Trade dated 10 March 1955,¹ this Agreement shall, until the entry into force of such amendments, be applied as if all references in the General Agreement to "the CONTRACTING PARTIES" were references to the Organization.

Article 20—Provisional Application.

Without prejudice to the principle laid down in Article 2, if by 15 November 1955 this Agreement shall not have entered into force pursuant to paragraph (c) of Article 17, those governments, being contracting parties to the General Agreement, which are prepared to do so may nevertheless decide to apply it; *Provided* that the territories of such governments account for the percentage of trade required for the entry into force of this Agreement under paragraph (c) of Article 17.

Article 21—Temporary Exercise of Depository Functions.

Pending the entry into force of this Agreement, the title "Director-General of the Organization" in paragraph (b) of Article 14, paragraphs (a) and (b) of Article 17 and paragraph (a) of Article 18, shall read "Executive Secretary to the CONTRACTING PARTIES to the General Agreement".

IN WITNESS WHEREOF the respective representatives, duly authorized to that effect, have signed the present Agreement.

DONE at Geneva, in a single copy, in the English and French languages, both texts authentic, this tenth day of March, one thousand nine hundred and fifty-five.

ANNEX

PERCENTAGE SHARES OF TOTAL EXTERNAL TRADE TO BE USED FOR THE
PURPOSE OF MAKING THE DETERMINATION REFERRED TO IN
ARTICLE 17

(based on the average of 1949-1953)

If, prior to the accession of the Government of Japan to the General Agreement, the present Agreement has been accepted by contracting parties the external trade of which under column I accounts for the percentage of such trade specified in paragraph (c) of Article 17, column I shall be applicable for the purposes of that paragraph. If

¹ See *General Agreement on Tariffs and Trade: Final Act and Instruments Adopted at the Ninth Session of the Contracting Parties* (Geneva, the Contracting Parties to the General Agreement on Tariffs and Trade, Mar. 10, 1955), pp. 163-169.

the present Agreement has not been so accepted prior to the accession of the Government of Japan, column II shall be applicable for the purposes of that paragraph.

	<i>Column I</i> (Contracting parties on 1 March 1955)	<i>Column II</i> (Contracting parties on 1 March 1955 and Japan)
Australia	3.1	3.0
Austria	0.9	0.8
Belgium-Luxemburg	4.3	4.2
Brazil	2.5	2.4
Burma	0.3	0.3
Canada	6.7	6.5
Ceylon	0.5	0.5
Chile	0.6	0.6
Cuba	1.1	1.1
Czechoslovakia	1.4	1.4
Denmark	1.4	1.4
Dominican Republic	0.1	0.1
Finland	1.0	1.0
France	8.7	8.5
Germany, Federal Republic of	5.3	5.2
Greece	0.4	0.4
Haiti	0.1	0.1
India	2.4	2.4
Indonesia	1.3	1.3
Italy	2.9	2.8
Netherlands, Kingdom of the	4.7	4.6
New Zealand	1.0	1.0
Nicaragua	0.1	0.1
Norway	1.1	1.1
Pakistan	0.9	0.8
Peru	0.4	0.4
Rhodesia and Nyasaland	0.6	0.6
Sweden	2.5	2.4
Turkey	0.6	0.6
Union of South Africa	1.8	1.8
United Kingdom	20.3	19.8
United States of America	20.6	20.1
Uruguay	0.4	0.4
Japan	—	2.3
	<hr/> 100.0	<hr/> 100.0

Note: These percentages have been computed taking into account the trade of all territories in respect of which the General Agreement on Tariffs and Trade is applied.

9. TRADE AGREEMENTS EXTENSION ACT OF 1955: Public Law 86 (84th Congress, 1st Session), June 21, 1955¹

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Trade Agreements Extension Act of 1955".

SEC. 2. The period during which the President is authorized to enter into foreign trade agreements under section 350 of the Tariff Act of 1930,² as amended (19 U. S. C., sec. 1351), is hereby extended from June 12, 1955, until the close of June 30, 1958.

SEC. 3. (a) Subsection (a) of section 350 of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1351 (a)), is hereby amended to read as follows:

"(a) (1) For the purpose of expanding foreign markets for the products of the United States (as a means of assisting in establishing and maintaining a better relationship among various branches of American agriculture, industry, mining, and commerce) by regulating the admission of foreign goods into the United States in accordance with the characteristics and needs of various branches of American production so that foreign markets will be made available to those branches of American production which require and are capable of developing such outlets by affording corresponding market opportunities for foreign products in the United States, the President, whenever he finds as a fact that any existing duties or other import restrictions of the United States or any foreign country are unduly burdening and restricting the foreign trade of the United States and that the purpose above declared will be promoted by the means hereinafter specified, is authorized from time to time—

"(A) To enter into foreign trade agreements with foreign governments or instrumentalities thereof: *Provided*, That the enactment of the Trade Agreements Extension Act of 1955 shall not be construed to determine or indicate the approval or disapproval by the Congress of the executive agreement known as the General Agreement on Tariffs and Trade.³

"(B) To proclaim such modifications of existing duties and other import restrictions, or such additional import restrictions, or such continuance, and for such minimum periods, of existing customs or excise treatment of any article covered by foreign trade agreements, as are required or appropriate to carry out any foreign trade agreement that the President has entered into hereunder.

"(2) No proclamation pursuant to paragraph (1) (B) of this subsection shall be made—

"(A) Increasing by more than 50 per centum any rate of duty existing on January 1, 1945.

"(B) Transferring any article between the dutiable and free lists.

¹ 69 Stat. 162.

² Act of June 17, 1930; 46 Stat. 590.

³ Agreement of Oct. 30, 1947, as amended Mar. 10, 1955; *supra.*, doc. 7.

“(C) In order to carry out a foreign trade agreement entered into by the President before June 12, 1955, or with respect to which notice of intention to negotiate was published in the Federal Register on November 16, 1954,¹ decreasing by more than 50 per centum any rate of duty existing on January 1, 1945.

“(D) In order to carry out a foreign trade agreement entered into by the President on or after June 12, 1955, decreasing (except as provided in subparagraph (C) of this paragraph) any rate of duty below the lowest of the following rates:

“(i) The rate 15 per centum below the rate existing on January 1, 1955.

“(ii) In the case of any article subject to an ad valorem rate of duty above 50 per centum (or a combination of ad valorem rates aggregating more than 50 per centum), the rate 50 per centum ad valorem (or a combination of ad valorem rates aggregating 50 per centum). In the case of any article subject to a specific rate of duty (or a combination of rates including a specific rate) the ad valorem equivalent of which has been determined by the President to have been above 50 per centum during a period determined by the President to be a representative period, the rate 50 per centum ad valorem or the rate (or a combination of rates), however stated, the ad valorem equivalent of which the President determines would have been 50 per centum during such period. The standards of valuation contained in section 402 of this Act (as in effect during the representative period) shall be utilized by the President, to the maximum extent he finds such utilization practicable, in making the determinations under the preceding sentence.

“(3) (A) Subject to the provisions of subparagraphs (B) and (C) of this paragraph, the provisions of any proclamation made under paragraph (1) (B) of this subsection, and the provisions of any proclamation of suspension under paragraph (4) of this subsection, shall be in effect from and after such time as is specified in the proclamation.

“(B) In the case of any decrease in duty to which paragraph (2) (D) of this subsection applies—

“(i) if the total amount of the decrease under the foreign trade agreement does not exceed 15 per centum of the rate existing on January 1, 1955, the amount of decrease becoming initially effective at one time shall not exceed 5 per centum of the rate existing on January 1, 1955;

“(ii) except as provided in clause (i), not more than one-third of the total amount of the decrease under the foreign trade agreement shall become initially effective at one time; and

“(iii) no part of the decrease after the first part shall become initially effective until the immediately previous part shall have been in effect for a period or periods aggregating not less than one year.

¹ 19 Fed. Reg. 7379-7386.

"(C) No part of any decrease in duty to which the alternative specified in paragraph (2) (D) (i) of this subsection applies shall become initially effective after the expiration of the three-year period which begins on July 1, 1955. If any part of such decrease has become effective, then for purposes of this subparagraph any time thereafter during which such part of the decrease is not in effect by reason of legislation of the United States or action thereunder shall be excluded in determining when the three-year period expires.

"(D) If (in order to carry out a foreign trade agreement entered into by the President on or after June 12, 1955) the President determines that such action will simplify the computation of the amount of duty imposed with respect to an article, he may exceed any limitation specified in paragraph (2) (C) or (D) of this subsection or subparagraph (B) of this paragraph by not more than whichever of the following is lesser:

"(i) The difference between the limitation and the next lower whole number, or

"(ii) One-half of 1 per centum ad valorem.

In the case of a specific rate (or of a combination of rates which includes a specific rate), the one-half of 1 per centum specified in clause (ii) of the preceding sentence shall be determined in the same manner as the ad valorem equivalent of rates not stated wholly in ad valorem terms is determined for the purposes of paragraph (2) (D) (ii) of this subsection.

"(4) Subject to the provisions of section 5 of the Trade Agreements Extension Act of 1951¹ (19 U. S. C., sec. 1362), duties and other import restrictions proclaimed pursuant to this section shall apply to articles the growth, produce, or manufacture of all foreign countries, whether imported directly or indirectly: *Provided*, That the President shall, as soon as practicable, suspend the application to articles the growth, produce, or manufacture of any country because of its discriminatory treatment of American commerce or because of other acts (including the operations of international cartels) or policies which in his opinion tend to defeat the purpose of this section.

"(5) The President may at any time terminate, in whole or in part, any proclamation made pursuant to this section."

(b) The last sentence of section 350 (b) of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1351 (b)), is hereby amended to read as follows: "No rate of duty on products of Cuba shall be decreased—

"(1) In order to carry out a foreign trade agreement entered into by the President before June 12, 1955, by more than 50 per centum of the rate of duty existing on January 1, 1945, with respect to products of Cuba.

"(2) In order to carry out a foreign trade agreement entered into by the President on or after June 12, 1955, below the applicable alternative specified in subsection (a) (2) (C) or (D) (subject to the provisions of subsection (a) (3) (B), (C), and (D)), each such alternative to be read for the purposes of this para-

¹ Act of June 16, 1951 (65 Stat. 72); *supra*, doc. 1.

graph as relating to the rate of duty applicable to products of Cuba. With respect to products of Cuba, the limitation of subsection (a) (2) (D) (ii) may be exceeded to such extent as may be required to maintain an absolute margin of preference to which such products are entitled."

(c) Subsection (c) of section 350 of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1351 (c)), is hereby amended by inserting "(1)" after "(c)", by striking out "(1)" and inserting in lieu thereof "(A)", by striking out "(2)" and inserting in lieu thereof "(B)", and by adding at the end thereof the following new paragraph:

"(2) For purposes of this section—

"(A) Except as provided in subsection (d), the terms 'existing on January 1, 1945' and 'existing on January 1, 1955' refer to rates of duty (however established, and even though temporarily suspended by Act of Congress or otherwise) existing on the date specified, except rates in effect by reason of action taken pursuant to section 5 of the Trade Agreements Extension Act of 1951 (19 U. S. C., sec. 1362).

"(B) The term 'existing' without the specification of any date, when used with respect to any matter relating to the conclusion of, or proclamation to carry out, a foreign trade agreement, means existing on the day on which that trade agreement is entered into."

(d) Section 350 of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1351), is hereby amended by adding at the end thereof the following new subsection:

"(e) (1) The President shall submit to the Congress an annual report on the operation of the trade agreements program, including information regarding new negotiations, modifications made in duties and import restrictions of the United States, reciprocal concessions obtained, modifications of existing trade agreements in order to effectuate more fully the purposes of the trade agreements legislation (including the incorporation therein of escape clauses), and other information relating to that program and to the agreements entered into thereunder.

"(2) The Tariff Commission shall at all times keep informed concerning the operation and effect of provisions relating to duties or other import restrictions of the United States contained in trade agreements heretofore or hereafter entered into by the President under the authority of this section. The Tariff Commission, at least once a year, shall submit to the Congress a factual report on the operation of the trade-agreements program."

SEC. 4. Subsection (b) of section 6 of the Trade Agreements Extension Act of 1951, as amended (19 U. S. C., sec. 1363 (b)), is hereby amended by striking out the second sentence thereof.

SEC. 5. The last sentence of subsection (a) of section 7 of the Trade Agreements Extension Act of 1951, as amended (19 U. S. C., sec. 1364 (a)), is amended to read as follows: "The Tariff Commission shall immediately make public its findings and recommendations to the President, including any dissenting or separate findings and recom-

mendations, and shall cause a summary thereof to be published in the Federal Register.”.

SEC. 6. (a) Subsection (b) of section 7 of the Trade Agreements Extension Act of 1951, as amended (19 U. S. C., sec. 1364 (b)), is amended by adding at the end thereof the following: “Increased imports, either actual or relative, shall be considered as the cause or threat of serious injury to the domestic industry producing like or directly competitive products when the Commission finds that such increased imports have contributed substantially towards causing or threatening serious injury to such industry.”.

(b) Section 7 of the Trade Agreements Extension Act of 1951, as amended (19 U. S. C., sec. 1364), is amended by adding at the end thereof the following new subsection:

“(e) As used in this Act, the terms ‘domestic industry producing like or directly competitive products’ and ‘domestic industry producing like or directly competitive articles’ mean that portion or subdivision of the producing organizations manufacturing, assembling, processing, extracting, growing, or otherwise producing like or directly competitive products or articles in commercial quantities. In applying the preceding sentence, the Commission shall (so far as practicable) distinguish or separate the operations of the producing organizations involving the like or directly competitive products or articles referred to in such sentence from the operations of such organizations involving other products or articles.”.

SEC. 7. Section 2 of the Act entitled “An Act to extend the authority of the President to enter into trade agreements under section 350 of the Tariff Act of 1930, as amended”, approved July 1, 1954 ¹ (19 U. S. C., sec. 1352a), is hereby amended by inserting “(a)” after “SEC. 2.” and by adding at the end thereof a new subsection as follows:

“(b) In order to further the policy and purpose of this section, whenever the Director of the Office of Defense Mobilization has reason to believe that any article is being imported into the United States in such quantities as to threaten to impair the national security, he shall so advise the President, and if the President agrees that there is reason for such belief, the President shall cause an immediate investigation to be made to determine the facts. If, on the basis of such investigation, and the report to him of the findings and recommendations made in connection therewith, the President finds that the article is being imported into the United States in such quantities as to threaten to impair the national security, he shall take such action as he deems necessary to adjust the imports of such article to a level that will not threaten to impair the national security.”

¹ 68 Stat. 360.

10. FOREIGN ECONOMIC POLICY: Recommendations of the Joint Congressional Committee on the Economic Report, January 5, 1956¹

1. The President must continue to coordinate the diverse interests represented in the executive branch, and bear responsibility for foreign economic policy within that arm of Government. In the nature of our constitutional practices, there is not the same opportunity in the Congress for centralized coordination of all foreign economic policy, viewed in the broad sense. This puts a special responsibility upon individual members, the party leadership, and the standing committees of the Congress to consider the impact of their legislative proposals and their speeches on both home opinion and foreign behavior.

2. We should keep in mind in greater degree the psychological impact, as well as the purely economic, of domestic decisions which affect our foreign economic relations. We should keep in mind that our day-to-day actions often speak much louder than do pronouncements of overall good intentions, with consequent effect on the attitudes and behavior of friendly nations with whom we must cooperate in our own interest.

3. The United States should continue to champion multilateral trade on a most-favored-nation basis, insisting on reciprocal reductions in tariffs as well as the removal of other trade controls even without special concessions. Our reductions of trade barriers should be the occasion for hard bargaining with other countries to ease trade throughout the free world. The instrumentalities of the General Agreement on Tariffs and Trade, the Organization for Trade Cooperation, the International Monetary Fund, and the International Bank for Reconstruction and Development offer the best immediate opportunities for multilateral negotiation to make the greatest progress possible.

4. The United States should approve the agreement calling for its membership and participation in the Organization for Trade Cooperation.²

5. The United States should continue to press for the earliest resumption of currency convertibility consistent with finding stable and maintainable rates. Our interest in such convertibility is to minimize trade discrimination and to spur international investment. It would be our hope that in particular the countries of Western Europe and the sterling area could meet the necessary conditions for *de jure* convertibility before too long. Although such convertibility should not be forced prematurely, neither should it be consigned to the indefinite future.

6. Tariff and trade policy of the United States should be dictated by the national interest, rather than in terms of specific industries or products. Where individual industries cannot meet foreign competition, other solutions than new trade barriers should be sought.

¹ *Report of the Joint Committee on the Economic Report to the Congress of the United States* (S. Rept. No. 1312, 84th Cong., 2d sess.), pp. 30-32.

² See *supra*, doc. 8.

7. Further cuts in United States tariffs are in the national interest. The disruptive effect of such reductions can be minimized by making these cuts gradual, selective, reciprocal, and timed to fit the condition of business. Resort to quotas should be allowed only under extreme emergency conditions when other solutions are not available. Further simplification of the customs laws and related administrative matters should be carried out at the earliest possible date to streamline their operation and minimize arbitrary elements.

8. If aid is to be given to distressed areas or industries to meet the problems caused by new imports, such policies should be part of a broader program to meet similar problems of any source, not those of foreign trade alone. Such aid should not be aimed at blanket coverage, but to meet the specific hardships of people actually in distress. Aid should be viewed as temporary, and should be designed to contribute to the permanent correction of the distress so that aid can be terminated. It should not delay the solution of uneconomic arrangements which would continue to drag down the rest of the economy indefinitely.

9. No basic change in our controls on trade with the Communist countries is required at the present time. Trade in strategic goods would not be in the interest of the free world. But peaceful trade is not excluded from the realm of possibility any time that it is in the interest of the free world. Because East-West trade policy requires the cooperation of all countries of the free world, our policies must be coordinated with theirs. If we would limit trade important to our allies with the Communist countries, this policy carries a responsibility to provide alternate markets for their trade.

10. International investment and technical aid, both public and private, need further encouragement. Each case requires individual study and the solutions should be tailored to fit the circumstances. It should be kept in mind that this aid and investment is more than purely economic in character, and this will influence the choices made. Although broader considerations are involved, such aid, whether loans or grants, represents the positive and long-term equivalent of the negative and short-term restrictions on trade with the Communist bloc. This is a time when the Communists are using our own aid devices to further their ends, and we must be prepared to meet this challenge with a coordinated program which combines all the aspects of countering the problems created by the Communists. Only thus will the free world hold its margin of strength over the Sino-Soviet bloc.

11. Further study of domestic agricultural policy should take into account in greater degree the foreign economic policy aspects of these domestic measures.

12. Further study is required of the whole concept of defense essentiality if it is not to dominate over other necessary factors in trade policy. Not only should impartial criteria be discovered, but the whole concept of the mobilization base in the light of evolving military strategy should be reviewed.

13. New criteria should be developed to restrict application of the escape clause and peril points to industries where failure to apply these provisions would result in real hardship to individuals, whether workers or businessmen.

14. The problem of interpretation of antidumping penalties is a complicated one which deserves careful study rather than precipitate action; the need for change is recognized as its interpretation threatens to negate our foreign economic policy goals, but the remedies must be sought only with thorough investigation. At the very least, the President should be given authority to override Tariff Commission decisions when the national interest requires this.

15. We should give added encouragement to the preparation of international statistics, with attention both to the breadth of coverage and the quality of the information; data on national income and its distribution are particularly needed.

16. We need more study of what makes for economic growth both at home and abroad, if we are to choose policies which promote this development in the interests of attaining our national goals.

17. The work of this subcommittee should be continued for at least another year to explore more thoroughly some of the problems raised this year which were only partially answered. This study should include more specific analyses of individual situations than was possible within the general frame of reference of the current study.

Part XVIII
**FOREIGN AID—ECONOMIC, MILITARY,
TECHNOLOGICAL**

A. THE LEND-LEASE PROGRAM, 1941-1955

1. STATUS OF SETTLEMENTS UNDER THE LEND-LEASE PROGRAM: Report to Congress on Lend-Lease Operations for the Year Ending December 31, 1955 (Excerpts) ¹

Preamble

At the close of business on December 31, 1955, settlement undertakings which had been signed by most of the lend-lease governments reflected an aggregate original creditor position of the United States of \$1,577,458,847.50 in principal account, exclusive of "cash reimbursement" lend-lease, silver, and miscellaneous other obligations.

Principal payments and credits already made total \$409,730,250.58 or approximately 26 percent of these repayment obligations. In addition, \$164,552,611.70 has been paid to the Government of the United States as interest on these debts. The combined principal and interest credits of \$574,282,862.28 represent more than 36 percent of the principal amount of these settlement obligations.

As yet, settlement agreements covering lend-lease furnished prior to V-J Day have not been reached with the U.S.S.R., China, Greece, and Saudi Arabia. A settlement with Poland is nearly completed.

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¹ *Message from the President of the United States Transmitting the Thirty-Seventh Report to Congress on Lend-Lease Operations for the Year Ending December 31, 1955* (Washington, Government Printing Office, 1956), pp. 1, 5, 16-21. (The footnotes appearing throughout this document and its accompanying tables are from the original source.)

Lend-Lease Settlement Accounts Showing Total Principal Amount Owed to the United States, Aggregate Payments Made Through December 31, 1955, and Principal Amount Outstanding *

Country	Settlement obligation	Paid through December 31, 1955		Principal balance to be paid
		Principal	Interest	
Australia.....	\$20,500,000.00	\$20,500,000.00	-----	-----
Belgium and Belgian Congo.....	55,004,573.93	55,004,573.93	-----	-----
China ¹	50,344,968.65	3,356,331.24	\$2,288,619.83	\$46,988,637.41
Czechoslovakia.....	172,961.45	172,961.45	-----	-----
Ethiopia.....	200,000.00	122,331.56	-----	77,668.44
France.....	353,300,000.00	47,461,197.39	61,384,530.13	305,838,802.61
Iran.....	8,541,040.75	7,820,287.39	-----	711,753.36
Liberia ²	19,422,682.39	150,000.00	-----	19,272,682.39
Luxembourg.....	120.00	120.00	-----	-----
Netherlands.....	67,500,000.00	27,992,543.23	8,256,002.79	39,507,456.77
Norway.....	5,900,000.00	546,910.00	-----	5,350,090.00
Turkey.....	4,500,000.00	4,500,000.00	-----	-----
Union of South Africa.....	92,500,000.00	92,500,000.00	-----	-----
Union of Soviet Socialist Republics ¹	222,492,666.01	-----	38,739,794.96	222,492,666.01
United Kingdom and Colonies.....	592,446,911.00	45,118,705.87	53,811,232.19	517,328,205.13
Yugoslavia.....	900,000.00	630,365.20	-----	260,634.80
American Republics.....	113,732,923.32	103,832,923.32	72,431.80	9,900,000.00
Totals.....	1,577,458,847.50	409,730,250.58	164,552,611.70	\$ 1,167,728,596.92
Grand total credits.....	-----	\$574,282,862.28		-----

* This table is printed as "Statement (h)" on page 5 of the report. [Editor's note.]

¹ Refers only to postwar "pipeline agreement."

² Port construction at Monrovia.

³ Exclusive of cash reimbursement and silver accounts.

Status of Nations (Tabulation) *

KEY TO ABBREVIATIONS

L-L Rpt.—Report to Congress on Lend-Lease Operations.
 TIAS—Treaties and Other International Acts Series (published by Department of State).
 EAS—Executive Agreement Series (published by Department of State).
 UST—United States Treaties and Other International Agreements (published by Department of State).
 Stat.—United States Statutes at Large.

Lend-lease and related agreements

[As of Dec. 31, 1955]

Country	Declared eligible for lend-lease aid	Lend-lease master agreement ¹		Lend-lease settlement		Other related agreements ²	
		Date	Where published; remarks	Date	Where published; remarks	Date	Where published; remarks
Australia	Nov. 11, 1941	Sept. 3, 1942	Accepted United Kingdom agreement; 6th L-L Rpt., p. 24; EAS 271; 56 Stat. 1608.	June 7, 1946	23d L-L Rpt., p. 50; TIAS 1528; 60 Stat. 1707.	Mar. 8, 1945	Marine Transportation and Litigation, EAS 467; 59 Stat. 1499.
Belgium	June 13, 1941	June 16, 1942		Sept. 24, 1946 Apr. 20, 1950	23d L-L Rpt., p. 61; TIAS 2064; 62 Stat. (3) 3984. Joint undertaking under Agreement of Sept. 24, 1946; TIAS 2074; 1 UST 437.	Jan. 30, 1943 Aug. 4, 1943 Apr. 19, 1945 May 19, 1945	Reciprocal Aid, EAS 313; 57 Stat. 920. Acts of United States Armed Forces in Belgian Congo EAS 395; 58 Stat. 1215. Reciprocal Aid, EAS 481; 59 Stat. 1642. Section 3 (c) Agreement, ³ 19th L-L Rpt., p. 66; EAS 481; 59 Stat. 1642.
Bolivia	May 6, 1941	Dec. 6, 1941		Apr. 2, 1954 Nov. 22, 1947	Exchange of notes amending par. 2A(1) of Agreement of Sept. 24, 1946; TIAS 2953. Arrangement for full settlement within basic terms of Lend-Lease Agreement of Dec. 6, 1941. (Final payment made and reported in 32d L-L Rpt., p. 2.)		
Brazil	do	Oct. 1, 1941 Mar. 3, 1942	(Revised)	Apr. 15, 1948	Arrangement for full settlement within basic terms of Lend-Lease Agreement of Mar. 3, 1942. (Final payment made and reported in 36th L-L Rpt., p. 3.)	June 28, 1946	Pipeline Agreement, 23d L-L Rpt., p. 73; TIAS 1537; 60 Stat. 1797. (Incorporated in Settlement Arrangement of Apr. 15, 1945.)

Burma-----	do-----	do-----	Apr. 19, 1950	Supplement No. 1 to Arrangement of Apr. 15, 1948, settled certain accounts contingent to Lend-Lease Agreement of Mar. 3, 1942. (Final payment made and reported in 35th L-L Rpt., p. 2.)	Mar. 4, 1947	Assumption of claims by note to United States consul General, Rangoon, sent to Department with despatch No. 217, Mar. 7, 1947. Claims for Collisions Between War Vessels, EAS 330; 57 Stat. 1021.
Canada-----	Nov. 11, 1941	Nov. 30, 1942	Mar. 14, 1949	By exchange of notes, accepted principles of art. VII of United Kingdom Lend-Lease Agreement.	May 26, 1943	Exchange of notes (for cash purchases); 28th L-L Rpt., p. 13; TIAS 1925; 63 Stat. (3) 2432.
Chile-----	May 6, 1941	Mar. 2, 1943	Feb. 28, 1950	Arrangement for full settlement within basic terms of Lend-Lease Agreement of Mar. 2, 1943. (Final payment made and reported in 32d L-L Rpt., p. 2.)	Nov. 11, 1943	Claims for Collisions Between War Vessels, EAS 366; 57 Stat. 1301.
China-----	do-----	June 2, 1942	5th L-L Rpt., p. 306; EAS 251; 56 Stat. 1494.		Nov. 15, 1946	Marine Transportation; Waiver of Certain Claims Involving Government Vessels; TIAS 1532; 61 Stat. (3) 2523.
Colombia-----	do-----	Mar. 17, 1942	Apr. 13, 1950	Arrangement for full settlement within basic terms of Lend-Lease Agreement of Mar. 17, 1942. (Final payment made and reported in 33d L-L Rpt., p. 3.)	May 21, 1943	Acts of Armed Forces, EAS 360; 57 Stat. 1428.
					June 14, 1946	Pipeline Agreement, 23d L-L Rpt., p. 66; TIAS 1533; 60 Stat. 1760.
					June 28, 1946	Military Aid Agreement, 23d L-L Rpt., p. 75; TIAS 1746; 61 Stat. (4) 3895.

See footnotes at end of table.

* This table appears as "Appendix IV" on pages 16-21 of the report. [Editor's note.]

Lend-Lease and related agreements—Continued

[As of Dec. 31, 1955]

Country	Declared eligible for lend-lease aid	Lend-lease master agreement ¹		Lend-lease settlement		Other related agreements ²	
		Date	Where published; remarks	Date	Where published; remarks	Date	Where published; remarks
Costa Rica.....	May 6, 1941	Jan. 16, 1942	-----	Oct. 13, 1950	Arrangement for full settlement within basic terms of Lend-Lease Agreement of Jan. 16, 1942. (Final payment made and reported in 35th L-L Rpt., p. 2.)		
Cuba.....	May 6, 1941	Nov. 7, 1941	-----	Apr. 26, 1951	Final payment under Lend-Lease Agreement of Nov. 7, 1941, reported in 33d L-L Rpt., p. 3.		
Czechoslovakia.....	Jan. 5, 1942	July 11, 1942	EAS 261; 56 Stat. 1562	July 25, 1947 Sept. 16, 1948	TIAS 1675; 61 Stat. (4) 3410. 28th L-L Rpt., p. 3. TIAS 1818; 62 Stat. (3) 2850.		
Dominican Republic.	May 6, 1941	Aug. 2, 1941 Aug. 6, 1941	----- (Supplement)	Apr. 26, 1949	Final payment under Lend-Lease Agreement of Aug. 2, 1941, reported in 29th L-L Rpt., p. 1.		
Ecuador.....	do.....	Apr. 6, 1942	-----	Feb. 12, 1951	Final payment under Lend-Lease Agreement of Apr. 6, 1942, reported in 32d L-L Rpt., p. 3.		
Egypt.....	Nov. 11, 1941 May 6, 1941	Feb. 2, 1942	-----	May 26, 1950	Cash purchases only. Final payment under Lend-Lease Agreement of Feb. 2, 1942, reported in 32d L-L Rpt., p. 2.		
El Salvador.....	Dec. 7, 1942	Aug. 9, 1943	EAS 334; 57 Stat. 1043	May 20, 1949	29th L-L Rpt., p. 29. TIAS 1931; 63 Stat. (3) 2446.	May 22, 1953	[Agreement] providing for Utilization of Defense Installations (within the Empire of Ethiopia). TIAS 2964.
Ethiopia.....	Nov. 11, 1941	Feb. 28, 1945	EAS 455; 59 Stat. 1304	May 23, 1946 Mar. 14, 1949	23d L-L Rpt., p. 41; TIAS 1928; 61 Stat. (4) 4171. Financial Settlement; 28th L-L Rpt., p. 4. TIAS 1936; 63 Stat. (3) 2507.	Sept. 3, 1942 Sept. 25, 1943	Reciprocal Aid, 6th L-L Rpt., p. 29; EAS 273; 56 Stat. 1614. Reciprocal Aid, 1st French North and West Africa, 13th L-L Rpt., p. 66; EAS 483; 59 Stat. 1666.
France.....							

Greece.....	Mar. 11, 1941	July 10, 1942	EAS 260; 56 Stat. 1539.	.....do.....	Maritime Claims + 28th L-L Rpt., p. 10; TIAS 1836; 63 Stat. (3) 2499.	Feb. 23, 1945	Section 3 (c) Agreement, ² EAS 465; 59 Stat. 1304.
Guatemala.....	May 6, 1941	Nov. 16, 1942	-----	-----	-----	Feb. 27, 1948	Expenditures of U. S. Armed Forces, TIAS 1930; 63 Stat. (3) 3826.
Haiti.....	do.....	Sept. 16, 1941	-----	Sept. 30, 1946	Settlement under Lend-Lease Agreement of Nov. 16, 1942. Final payment under Lend-Lease Agreement of Sept. 16, 1941; reported in 26th L-L Rpt., p. vi.		
Honduras.....	do.....	Feb. 23, 1942	-----	Mar. 3, 1948	Final payment under Lend-Lease Agreement of Feb. 23, 1942; reported in 28th L-L Rpt., p. i.		
Iceland.....	July 1, 1941	Nov. 21, 1941	EAS 429; 58 Stat. 1455.	Feb. 10, 1949	Compresses only.	Oct. 10, 1942	Axis of United States Armed Forces, EAS 392; 58 Stat. 1109.
India.....	Nov. 11, 1941	-----	-----	May 16, 1946	23d L-L Rpt., p. 44; TIAS 1532; 60 Stat. 1763.	Dec. 21, 1945	Transfer of Credit; unpublished correspondence.
Iran.....	Mar. 10, 1942	-----	-----	-----	Cash purchases only.	Dec. 31, 1943	Port Project Agreement, EAS 411; 58 Stat. 1357.
Iraq.....	May 1, 1942	July 31, 1945	EAS 470; 59 Stat. 1535.	Feb. 24, 1951	Arrangement for full settlement within basic terms of Lend-Lease Agreement of Mar. 16, 1943.		
Liberia.....	Mar. 10, 1942	Mar. 31, 1942	EAS 275; 56 Stat. 1621.	May 23, 1947	24th L-L Rpt., p. 22; TIAS 1760; 61 Stat. (4) 3924.	June 14, 1943	Reciprocal Aid, EAS 326; 57 Stat. 991.
Mexico.....	May 6, 1941	June 8, 1943	EAS 324; 57 Stat. 978.	-----	-----	Apr. 30, 1945	Section 3 (c) Agreement, Reciprocal Aid, EAS 480; 59 Stat. 1637.
Netherlands.....	Aug. 21, 1941	Mar. 27, 1942	(Revised)	-----	-----	June 8, 1950	Maritime Claims, TIAS 2119; USTC 3363.
New Zealand.....	Nov. 11, 1941	Mar. 18, 1943	EAS 259; 56 Stat. 1554.	July 10, 1946	23d L-L Rpt., p. 56; TIAS 1536; 60 Stat. 1761.	Sept. 3, 1942	Reciprocal Aid, 6th L-L Rpt., p. 27; EAS 272; 56 Stat. 1611.
Nicaragua.....	May 6, 1941	Sept. 3, 1942	Accepted United Kingdom agreement, EAS 272; 56 Stat. 1611.	Sept. 26, 1951	Arrangement for full settlement within basic terms of Lend-Lease Agreement of Oct. 16, 1941.		
Norway.....	June 4, 1941	Oct. 16, 1941	-----	Feb. 24, 1948	(Final payment made and reported in 36th L-L Rpt., p. 4.)	May 29, 1946	Marine Transportation and Litigation, EAS 471; 59 Stat. 1541.
		July 11, 1942	EAS 262; 56 Stat. 1555.	-----	26th L-L Rpt., p. 61; TIAS 1716; 62 Stat. (2) 1848.		

See footnotes at end of table.

Lend-Lease and related agreements—Continued

[As of Dec. 31, 1956]

Country	Declared eligible for lend-lease aid	Lend-lease master agreement 1		Lend-lease settlement		Other related agreements 2	
		Date	Where published; remarks	Date	Where published; remarks	Date	Where published; remarks
Paraguay	May 6, 1941	Sept. 20, 1941		Apr. 3, 1952	Final payment under Lend-Lease Agreement of Sept. 20, 1941; reported in 34th L-L Rpt., p. 2.		
Peru	do	Mar. 11, 1942		Nov. 25, 1954	Arrangement for full settlement within basic terms of Lend-Lease Agreement of Mar. 11, 1942.		
Poland	Aug. 28, 1941	July 1, 1942	EAS 257; 56 Stat. 1542.				
Saudi Arabia	Feb. 18, 1943	Aug. 7, 1943	Exchange of unpublished notes.				
South Africa	Nov. 11, 1941	Apr. 17, 1945	TIAS 1511; 60 Stat. 1576.	Mar. 21, 1947	24th L-L Rpt., p. 38; TIAS 1593; 61 Stat. (3) 2640.		
Turkey	Nov. 7, 1941	Feb. 23, 1945	EAS 465; 59 Stat. 1476.	May 7, 1946	23d L-L Rpt., p. 66; TIAS 1541; 60 Stat. 1809.		
U. S. S. R.	do	June 11, 1942	8th L-L Rpt., p. 50; EAS 233; 56 Stat. 1500.			Oct. 15, 1945	Pipeline Agreement, 21st L-L Rpt., p. 48.
						Sept. 27, 1949	Return of Ice Breakers and Frigates, TIAS 2060; 63 Stat. (3) 2810.
						Mar. 26, 1954	Return of Vessels; TIAS 2990.
						Dec. 22, 1954	Return of Vessels; TIAS 3168.
						May 26, 1955	Return of Vessels; TIAS 3384.
						July 27, 1942	Acts of Armed Forces, EAS 355; 57 Stat. 1193.
						Aug. 24, 1942	Patent Interchange, EAS 298; 56 Stat. 1594.
						Sept. 3, 1942	Reciprocal Aid, 6th L-L Rpt., p. 22; EAS 270; 56 Stat. 1605.
						Dec. 4, 1942	Marine Transportation and Litigation, EAS 282; 56 Stat. 1780.
United Kingdom	Mar. 11, 1941	Feb. 23, 1942	4th L-L Rpt., p. 50, and 21st L-L Rpt., p. 62; EAS 241; 56 Stat. 1433.	Dec. 6, 1945	22d L-L Rpt., p. 45; TIAS 1509; 60 Stat. 1525.		
				Mar. 27, 1946	22d L-L Rpt., p. 48; TIAS 1509; 60 Stat. 1525.		
				Feb. 28, 1947	Esponsored Claims, TIAS 1635; 61 Stat. (3) 3012.		
				Jan. 7, 1948	Surplus in Middle East, TIAS 1698; 62 Stat. (2) 1836.		
				June 18, 1948	Unpublished Settlement of U. S. Army claims subsequent to period covered by agreements of Mar. 27, 1946.	Mar. 28, 1944	Acts of Armed Forces, TIAS 1602; 61 Stat. (3) 2728.

Uruguay-----	May 6, 1941	June 29, 1948	Unpublished acknowledgment of discharge of obligations under agreement relating to petroleum (VI) of Mar. 27, 1946.	Mar. 27, 1946	Amended Patent Interchange Agreement, TIAS 1510; 60 Stat. 1566.
Venezuela-----	do-----	July 12, 1948	Joint Installations in Middle East, TIAS 1769; 62 Stat. (2) 2027.	May 7, 1946	Marine Transportation and Litigation, TIAS 1538; 60 Stat. 1598.
		do-----	Accounts and claims (wind-up of residual accounts and claims), 27th L-L Rpt., p. 59; TIAS 1770; 62 Stat. (2) 2034.	Jan. 23, 1947	Acts of Civiliahus, TIAS 1622; 61 Stat. (3) 2876.
		Apr. 28, 1952	Extension of Amendment of Settlement of Dec. 6, 1945; TIAS 2062.	June 27, 1947	Marine Transportation and Litigation, TIAS 1636; 61 Stat. (3) 3014.
		Apr. 27, 1949	Prepaid in dollars. Lease Agreement of Mar. 16, 1942; reported in 28th L-L Rpt., p. 64; TIAS 27th L-L Rpt., p. 64; TIAS 1779; 62 Stat. (2) 2133.		
Yugoslavia-----	Nov. 11, 1941	July 19, 1948	EAS 263; 56 Stat. 1570-----		

¹ The lend-lease agreements signed by the United States with 18 of the other American Republics differed from the conventional "master" agreements in that a specific repayment responsibility for defense aid furnished, was accepted by each beneficiary nation. The aggregate amount due has been paid in full in cash and/or through specially negotiated settlement arrangements.

² The historic document entitled *The Declaration by United Nations* for a cooperative war effort (not to be confused with the *Charter of the United Nations* signed in San Francisco in 1945) originally was signed on Jan. 1, 1942, by representatives of 26 nations and, on later dates, by 19 others. (See *Twenty-first Report to Congress on Lend-Lease Operations*, pp. 44-45.) It confirmed and accepted the principles of the *Atlantic Charter*, a Joint Declaration (Aug. 14, 1941) by the President of the United States and the Prime Minister of the United Kingdom (EAS 236; 55 Stat. 1663).

³ A Section 3 (c) Agreement was an executive agreement concluded pursuant to sec. 3 (c) of the Lend-Lease Act of Mar. 11, 1941, which, as amended, prescribed a period up to July 1, 1949, to carry out an agreement of the United States with another government to furnish supplies and services, provided that the agreement was signed before July 1, 1946.

⁴ Territory under the jurisdiction of the French National Committee was declared eligible to receive lend-lease aid on Nov. 11, 1941, and all French territory not under the control of the Axis was declared eligible on Nov. 13, 1942.

⁵ Wind-up of residual accounts and claims.

ADDENDUM

Aid was furnished, under special circumstances and specific conditions, to certain countries which never had formally been declared eligible for formal lend-lease treatment. These are Burma (see above table), Denmark, Finland, Greenland, Italy, Panama, Sweden, and Thailand.

Transfers to Denmark were made pursuant to arrangements described in the Twenty-first Report to Congress on Lend-Lease Operations, and those made to Italy were pursuant to arrangements described in the Twenty-third Report to Congress on Lend-Lease Operations. In respect to the others named, a *modus operandi*, very similar to that used for lend-lease cash-reimbursement transactions but not under the Lend-Lease Act, was used to help these governments to acquire approved essential goods and services.

B. THE MUTUAL DEFENSE ASSISTANCE PROGRAM, 1949-1951

[The Mutual Defense Assistance Act of 1949 (Public Law 329, 81st Congress, 1st Session; 63 Stat. 714) and the subsequent appropriation on October 28, 1949, of \$1,314,010,000 in cash and contract authority for fiscal 1950 brought the Mutual Defense Assistance Program into being. Due to the turn of world events, and especially to the attack on the Republic of Korea, Congress amended the basic law to increase its coverage and effectiveness and to authorize its extension (Public Law 621, 81st Congress, 2d Session, September 26, 1950; infra, doc. 3), and made available an additional \$5,222,500,000 through regular and supplemental appropriation legislation for fiscal 1951 (Public Laws 759 and 843, 81st Congress, 2d Session; 64 Stat. 595 and 1044). The Mutual Security Act of 1951 (Public Law 165, 82d Congress, 1st Session, approved October 10, 1951; 65 Stat. 373) marked the end of a 2 year period during which the emphasis of United States assistance shifted gradually from economic rehabilitation to military assistance, began the effort toward integration of economic recovery and military assistance programs, and symbolized the reorientation of United States foreign policy with regard to the foreign aid programs.]¹

2. ADMINISTERING AUTHORITY UNDER THE MUTUAL DEFENSE ASSISTANCE ACT OF 1949: Executive Order No. 10099, January 27, 1950²

By virtue of the authority vested in me by section 404 of the Mutual Defense Assistance Act of 1949, approved October 6, 1949 (Public Law 329, 81st Congress),³ hereinafter referred to as the Act, and as President of the United States, it is hereby ordered as follows:

1. (a) The Secretary of State is authorized and directed to perform the functions and exercise the powers and authority vested in the President by the Act, except by section 303, section 405, subsection (e) of section 406, clause 2 of subsection (b) of section 407, and subsection (b) of section 411 thereof.

(b) Within the scope of the authority delegated to him by this order, the Secretary of State shall (1) have responsibility and authority for the direction of the programs authorized by the Act, (2) make full and effective use of agencies, departments, establishments, and wholly owned corporations of the Government, with the consent of the respective heads thereof, in the conduct of operations under such programs, and coordinate the operations of such programs among them, and (3) advise and consult with the Secretary of Defense and the Administrator for Economic Cooperation in order to assure the coordination of

¹ For the text of the Mutual Defense Assistance Act of 1949, see *A Decade of American Foreign Policy*, pp. 1356-1364. For detailed information on this period, see the four semiannual reports to Congress on the Mutual Defense Assistance Program, covering Oct. 6, 1949, through Oct. 9, 1951; H. Docs. No. 613 of the 81st Cong., 2d sess., Nos. 119 and 179 of the 82d Cong., 1st sess., and No. 352 of the 82d Cong., 2d sess.

² 15 Fed. Reg. 499.

³ *A Decade of American Foreign Policy*, pp. 1356-1364.

the mutual-defense-assistance activities with the national defense and economic-recovery programs.

2. All assistance provided to recipient countries under the authority delegated by this order shall be in conformity with programs approved by the Secretary of State after consultation with the Secretary of Defense and the Administrator for Economic Cooperation. As provided in section 401 of the Act, no equipment or material may be transferred out of military stocks if the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such transfer would be detrimental to the national security of the United States or that such equipment or material is needed by the reserve components of the armed forces to meet their training requirements. The Administrator for Economic Cooperation shall advise the Secretary of State concerning the effect of programs approved by the Secretary of State under the authority delegated to him by this order upon the achievement of the purposes of the Economic Cooperation Act of 1948,¹ as amended, and of the purposes of the United States program of economic assistance in Korea.²

3. Funds appropriated or otherwise made available for the purposes of carrying out the portions of the Act pertinent to the authority delegated by this order may be allocated by the Secretary of State to any agency, department, establishment, or wholly owned corporation of the Government for obligation and expenditure in accordance with programs approved by the Secretary of State under such authority.

HARRY S. TRUMAN

**3. ACT TO AMEND THE MUTUAL DEFENSE ASSISTANCE
ACT OF 1949: Public Law 621 (81st Congress, 2d Session) July
26, 1950 (Excerpts)³**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 of the Mutual Defense Assistance Act of 1949⁴ is hereby amended to read as follows:

SEC. 101. In view of the coming into force of the North Atlantic Treaty and the establishment thereunder of the Council and the Defense Committee which will recommend measures for the common defense of the North Atlantic area,⁵ and in view of the fact that the task of the Council and the Defense Committee can be facilitated by immediate steps to increase the integrated defensive armed strength of the parties to the treaty, the President is hereby authorized to

¹ *A Decade of American Foreign Policy*, pp. 1299-1321.

² See *supra*, pp. 2532-2533.

³ 64 Stat. 373; 22 U.S.C. 1591 *et seq.*

⁴ *A Decade of American Foreign Policy*, pp. 1356-1364.

⁵ The North Atlantic Treaty entered into force Aug. 24, 1949. For the establishment of the North Atlantic Council and its Defense Committee, see the communiqué of the First Session of the North Atlantic Council, Sept. 17, 1949; *supra*, pp. 1594-1600.

furnish military assistance in the form of equipment, materials, and services to such nations as are parties to the treaty and request such assistance. Any such assistance furnished under this title shall be subject to agreements, further referred to in section 402, designed to assure that the assistance will be used to promote an integrated defense of the North Atlantic area and to facilitate the development of defense plans by the Council and the Defense Committee under article 9 of the North Atlantic Treaty and to realize unified direction and effort; and after the agreement by the Government of the United States with defense plans as recommended by the Council and the Defense Committee, military assistance hereunder shall be furnished only in accordance therewith.

SEC. 2. Section 102 of such Act is hereby amended by designating such section as subsection (a) and by adding thereto subsection (b) to read as follows:

(b) In addition to the amounts heretofore authorized to be appropriated, there are hereby authorized to be appropriated to the President for the year ending June 30, 1951, out of any money in the Treasury not otherwise appropriated, for carrying out the provisions and accomplishing the policies and purposes of this title, not to exceed \$1,000,000,000.

SEC. 3. Section 104 of such Act is hereby amended to read as follows:

SEC. 104. None of the funds made available for carrying out the provisions of this Act or the Act of May 22, 1947,¹ as amended, shall be utilized (a) to construct or aid in the construction of any factory or other manufacturing establishment outside of the United States or to provide equipment (other than production equipment, including machine tools) for any such factory or other manufacturing establishment, (b) to defray the cost of maintaining any such factory or other manufacturing establishment, (c) directly or indirectly to compensate any nation or any governmental agency or person therein for any diminution in the export trade of such nation resulting from the carrying out of any program of increased military production or to make any payment, in the form of a bonus, subsidy, indemnity, guaranty, or otherwise, to any owner of any such factory or other manufacturing establishment as an inducement to such owner to undertake or increase production of arms, ammunition, implements of war, or other military supplies, or (d) for the compensation of any person for personal services rendered in or for any such factory or other manufacturing establishment, other than personal services of a technical nature rendered by officers and employees of the United States for the purpose of establishing or maintaining production by such factories or other manufacturing establishments to effectuate the purposes of this Act and in conformity with desired standards and specifications.

¹ The Greek-Turkish Aid Act of 1947; *A Decade of American Foreign Policy*, pp. 1257-1261.

SEC. 11. Section 404 of such Act is hereby amended to read as follows:

SEC. 404. The President may exercise any power or authority conferred on him by this Act through such agency or officer of the United States as he shall direct, except such powers or authority conferred on him in section 405, in clause (2) of subsection (b) of section 407, and in subsection (c) of section 408.

SEC. 12. (a) Section 408 (c) of such Act is hereby amended to read as follows:

(c) Whenever he determines that such action is essential for the effective carrying out of the purposes of this Act, the President may from time to time utilize not to exceed in the aggregate 10 per centum of the funds and contract authority made available for the purposes of any title of this Act for the purposes of any other title, or in the event of a development seriously affecting the security of the North Atlantic area for the purpose of providing military assistance to any other European nation whose strategic location makes it of direct importance to the defense of the North Atlantic area and whose immediately increased ability to defend itself, the President, after consultation with the governments of the other nations which are members of the North Atlantic Treaty, finds contributes to the preservation of the peace and security of the North Atlantic area and is vital to the security of the United States. Whenever the President makes any such determination he shall forthwith notify the Committee on Foreign Relations of the Senate, the Committees on Armed Services of the Senate and of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives.

(b) Section 408 (d) of such Act is hereby amended to read as follows:

(d) Upon approval by the President, any currency of any nation received by the United States for its own use in connection with the furnishing of assistance under this Act may be used for expenditures for essential administrative and operating expenses of the United States incident to operation under this Act and the amount, if any, remaining after the payment of such expenses shall be used only for purposes specified by Act of Congress.

(c) Section 408 (e) of such Act is hereby amended to read as follows:

(e) (1) The President may, from time to time, in the interest of achieving standardization of military equipment and in order to provide procurement assistance without cost to the United States, transfer, or enter into contracts for the procurement for transfer of, equipment, materials or services to: (A) nations eligible for assistance under title I, II, or III of this Act, (B) a nation which has joined with the United States in a collective defense and regional arrangement, or (C) any other nation not eligible to join a collective defense and regional arrangement referred to in clause (B) above, but whose ability to defend itself or to participate in the defense of the area of which it is a part, is important to the security of the United States: *Provided*, That, prior to the transfer of any equipment, materials, or services to a nation under this clause (C), it shall provide the United States with assurance that such equipment, materials, or services are

required for and will be used solely to maintain its internal security, its legitimate self-defense, or to permit it to participate in the defense of the area of which it is a part, and that it will not undertake any act of aggression against any other state: *Provided further*, That, in the case of any such transfer, the President shall forthwith notify the Committee on Foreign Relations of the Senate, the Committees on Armed Services of the Senate and of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives.

(2) Whenever equipment or material is transferred from the stocks of, or services are rendered by, any agency, to any nation as provided in paragraph (1) above, such nation shall first make available the fair value, as determined by the President, of such equipment, materials, or services. The fair value shall not be less for the various categories of equipment or materials than the "value" as defined in subsection (c) of section 403: *Provided*, That with respect to excess equipment or materials the fair value may not be determined to be less than the value specified in paragraph 1 of that subsection plus (a) 10 per centum of the original gross cost of such equipment or materials; (b) the scrap value; or (c) the market value, if ascertainable, whichever is the greater. Before a contract is entered into, such nation shall (A) provide the United States with a dependable undertaking to pay the full amount of such contract which will assure the United States against any loss on the contract, and (B) shall make funds available in such amounts and at such times as may be necessary to meet the payments required by the contract in advance of the time such payments are due, in addition to the estimated amount of any damages and costs that may accrue from the cancellation of such contract: *Provided*, That the total amount of outstanding contracts under this subsection, less the amounts which have been paid the United States by such nations, shall at no time exceed \$100,000,000.

SEC. 13. The present section 405 (d) of such Act is renumbered as section 405 (e) and a new subsection 405 (d) is added to read as follows:

(d) if, in the case of any nation, which is a party to the North Atlantic Treaty, the President determines after consultation with the North Atlantic Treaty Council that such nation is not making its full contribution through self-help and mutual assistance in all practicable forms to the common defense of the North Atlantic area; and in the case of any other nation, if the President determines that such nation is not making its full contribution to its own defense or to the defense of the area of which it is a part.

4. ESTABLISHMENT OF THE (INTERDEPARTMENTAL) INTERNATIONAL SECURITY AFFAIRS COMMITTEE (ISAC): Memorandum of Understanding Between the Departments of State, Treasury, Defense, and the Economic Cooperation Administration, Approved by the President, December 19, 1950¹

1. The tremendous step-up in our foreign and domestic programs for increasing our own national security and that of the other free nations makes it imperative that we carefully examine the organizational arrangements within the United States Government for carrying out these programs. Certain aspects of these arrangements require urgent consideration and immediate decision.

2. The most urgent organizational problem which we now face involves the proper framework in which the questions relating to the North Atlantic Treaty and economic and military assistance programs can properly be coordinated. With respect to the organization in Washington, two basic decisions need to be made: (a) The proper relationship among State, Defense, the Economic Cooperation Administration, and the Treasury, on an interdepartmental basis; and (b) the adjustments which must be made within each of these agencies as a basis for an effective and coordinated Government-wide effort. The following arrangements are agreed to as a first step in resolving these questions.

3. (a) A Director for International Security and Assistance Affairs² will be appointed in the Department of State.³ He shall occupy the senior position authorized by section 406 (e) of the Mutual Defense Assistance Act of 1949 as amended.⁴

(b) The Director for International Security and Assistance Affairs, on behalf of the Secretary of State, shall represent and speak for the Department of State on matters of policy and program relating to the North Atlantic Treaty, other similar international programs, and military and economic assistance for mutual defense. He shall be responsible for coordinating all activities within the department related thereto. He shall have the authority, responsibility, and staff necessary to assure that he can speak positively and expeditiously on behalf of the Department of State.

(c) In addition, the Director for International Security and Assistance Affairs, on behalf of the Secretary of State, shall be responsible for providing continuing leadership in the interdepartmental coordination of policy and program with respect to the North Atlantic

¹ *Third Semiannual Report to Congress on the Mutual Defense Assistance Program, October 6, 1950 to March 31, 1951* (H. Doc. 179, 82d Cong., 1st sess.), pp. 49-50. The memorandum bears the title "Organizational Arrangements Within the United States Government for Policy Formulation and Implementation With Respect to International Security Arrangements and Military and Economic Assistance for Mutual Defense."

² In a covering memorandum transmitting this approved paper to the Director of the Bureau of the Budget on this same date, the President suggested the deletion of the words "and Assistance" from the title of the Director. (Footnote in H. Doc. 179.)

³ See *infra*.

⁴ *A Decade of American Foreign Policy*, pp. 1356-1364, and *supra*.

Treaty, other similar international programs, and military and economic assistance for mutual defense. In performing this function on behalf of the Secretary of State, the Director for International Security and Assistance Affairs will be exercising responsibility for the Government as a whole.

4. (a) There shall be appointed an Assistant to the Secretary of Defense for International Security Affairs. He should occupy one of the three positions, other than the senior position, authorized by section 406 (e) of the Mutual Defense Assistance Act of 1949 as amended.

(b) The Assistant to the Secretary of Defense for International Security Affairs shall have the same responsibility and authority within the Department of Defense as is provided in paragraph 3 (b) for the Director for International Security and Assistance Affairs with respect to the Department of State.

5. The Economic Cooperation Administrator and the Secretary of the Treasury shall each designate an official who shall have the same authority and responsibility with respect to his agency as is provided in paragraph 3 (b) for the Director for International Security and Assistance Affairs with respect to the Department of State.

6. (a) The review and coordination of policy and program as between the several departments and agencies shall be carried on by [a] senior staff committee to be known as the Committee on International Security Affairs. The State Department Director for International Security and Assistance Affairs shall be the Chairman. In addition, the membership shall consist of the Assistant to the Secretary of Defense for International [Security] Affairs, a representative of the Special Assistant to the President, Mr. Harriman, and the ECA and Treasury officials provided for in paragraph 5. Representatives of other departments and agencies may be asked to sit with the Committee as appropriate.

(b) The Committee on International Security Affairs shall establish such permanent or temporary working groups as it finds necessary and shall develop such arrangements as are necessary for guiding inter-agency coordination outside of the Committee.

7. It is essential that operating responsibility be delegated to the greatest possible extent to those agencies which are equipped to handle it. This means that with respect to mutual defense and within the framework of established policies, the Department of Defense has primary responsibility for determining the military character of international programs, for developing and implementing the end item and military training programs, and for developing United States determinations as to military requirements in the formulation of programs for military production abroad; and the Economic Cooperation Administration shall have primary responsibility for developing and implementing plans for economic assistance required to support an adequate defense effort abroad, and for implementing approved programs for additional military production abroad.

8. The foregoing administrative arrangements shall be carried on with due regard for the established responsibilities of the National

Security Council and other officials and agencies of the Executive Office of the President, and of the National Advisory Council on International Monetary and Financial Problems, and the existing authorities and responsibilities of these officials and agencies are in no wise modified by this agreement. This means that the National Security Council shall continue to be the agency "to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security."

9. Arrangements should likewise be made as quickly as feasible for improved coordination between United States Government officials and representatives at both the regional and country levels.

5. ESTABLISHMENT OF THE OFFICE OF INTERNATIONAL SECURITY AFFAIRS IN THE DEPARTMENT OF STATE: Departmental Announcement 248, December 27, 1950¹

Effective January 8, 1951, there will be established in the Department of State the position of Director, International Security Affairs. The Office of the Director, Mutual Defense Assistance established October 25, 1949,² is abolished and its personnel, records, and functions, including the functions vested in the Secretary of State by Executive Order 10099,³ as amended, have been transferred to the Director, International Security Affairs.

The Director, Thomas Dudley Cabot, will occupy the senior position authorized by section 406 (e) of the Mutual Defense Assistance Act of 1949,⁴ as amended. The Director shall perform his functions under the direction of the Secretary of State. He shall have authority over, and be responsible for, the general direction and coordination of all activities within the Department of State relating to:

- a. The North Atlantic Treaty and other similar regional and bilateral arrangements concerned primarily with collective defense or mutual defense assistance;
- b. the military security phases of other regional or bilateral arrangements, such as the Organization of American States;
- c. military assistance programs;
- d. programs of economic assistance which are designed to support programs of military assistance;
- e. the export or foreign sale of military materiel or the release to other nations of classified military information. In addition, the commitment of United States military resources for United Nations purposes shall be coordinated with the Director. As to all such

¹ Department of State *Bulletin*, Jan. 22, 1951, pp. 155-156.

² See Departmental Announcement 194, Oct. 25, 1949; *First Semiannual Report to Congress on the Mutual Defense Assistance Program, October 6, 1949 to April 6, 1950* (H. Doc. 613, 81st Cong., 2d sess.), pp. 64-65.

³ *Supra*, doc. 2.

⁴ *A Decade of American Foreign Policy*, p. 1362.

matters, he shall represent and speak for the Department of State. In performing these several functions, he shall be responsible for appropriately relating his performance to the development and execution of other foreign policies and programs.

The Director shall have such staff as may be necessary for the effective execution of his responsibilities but shall, to the extent consistent with the effective discharge of his responsibilities, utilize the resources of the regional and functional bureaus and offices. The regional and functional bureaus and offices of the Department shall give to the Director all appropriate assistance and shall be responsible to the Director for all activities within the field of his responsibility. The Director within the area of his responsibility set forth shall:

a. Coordinate and direct the development of objectives, policies, and programs for international security and assistance affairs.

b. Approve programs for military and economic assistance for mutual defense, and review, coordinate, and expedite the implementation of approved programs.

c. Assure the establishment and maintenance of effective working relationships concerning international security and assistance matters with all Government agencies having policy, advisory, or operational responsibilities within this area.

d. Evaluate the effectiveness and progress of policies and programs in the field of international security and assistance and prepare or direct the preparation of all necessary reports with respect thereto.

e. See that appropriate instructions to United States representatives abroad concerned with international security and assistance matters are developed and issued.

f. Assure development, coordination, and implementation of policies to control, under appropriate provisions of law, the export and import of arms, ammunition, and implements of war.

g. Assure formulation of Department of State policy on all questions relating to disclosure to foreign powers of classified information in the field of international security and assistance affairs.

h. Have primary responsibility, subject to the budget and fiscal policies and procedures of the Department of State, for the control, allocation, and utilization of funds made available for aid and assistance programs and related activities, including responsibility for budget formulation, for budget justification before the Bureau of the Budget and Congress, and for budget execution.

i. Assure the development, through existing organizational arrangements, of domestic and overseas programs of public information with respect to international security and assistance affairs.

The Director shall be the Department of State representative on and chairman of the Committee on International Security Affairs.¹ The Director shall determine, in consultation with the Deputy Under Secretary for Administration, State Department representation on, and shall be responsible for and generally supervise State Department

¹ See *supra*.

participation in, the activities of such additional interdepartmental committees and working groups as exist or may be created in the field of international security and assistance.

On international security and assistance matters, the Director shall be responsible within the Department of State for all relationships of the Department of State with the Department of Defense, with the Economic Cooperation Administration, and with other Departments and agencies.

C. ESTABLISHING THE MACHINERY OF THE POINT FOUR PROGRAM, 1950

6. ACT FOR INTERNATIONAL DEVELOPMENT (TITLE IV, FOREIGN ECONOMIC ASSISTANCE ACT OF 1950): Public Law 535 (81st Congress, 2d Session), June 5, 1950¹

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Economic Assistance Act of 1950".

TITLE IV

SEC. 401. This title may be cited as the "Act for International Development".

SEC. 402. The Congress hereby finds as follows:

(a) The peoples of the United States and other nations have a common interest in the freedom and in the economic and social progress of all peoples. Such progress can further the secure growth of democratic ways of life, the expansion of mutually beneficial commerce, the development of international understanding and good will, and the maintenance of world peace.

(b) The efforts of the peoples living in economically underdeveloped areas of the world to realize their full capabilities and to develop the resources of the lands in which they live can be furthered through the cooperative endeavor of all nations to exchange technical knowledge and skills and to encourage the flow of investment capital.

¹ Title IV of the Foreign Economic Assistance Act of 1950 (64 Stat. 198). Title IV was subsequently amended by the Mutual Security Act of 1951 (PL 165, 82d Cong., 1st sess., Oct. 10, 1951; 65 Stat. 373), by the Mutual Security Act of 1952 (PL 400, 82d Cong., 2d sess., June 20, 1952; 66 Stat. 141), and by the Mutual Security Act of 1953 (PL 118, 83d Cong., 1st sess., July 16, 1953; 67 Stat. 152). Title IV was repealed by the Mutual Security Act of 1954 (PL 665, 83d Cong., 2d sess., Aug. 26, 1954; 68 Stat. 832), which act effected a recodification of all foreign assistance programs.

(c) Technical assistance and capital investment can make maximum contribution to economic development only where there is understanding of the mutual advantages of such assistance and investment and where there is confidence of fair and reasonable treatment and due respect for the legitimate interests of the peoples of the countries to which the assistance is given and in which the investment is made and of the countries from which the assistance and investments are derived. In the case of investment this involves confidence on the part of the people of the underdeveloped areas that investors will conserve as well as develop local resources, will bear a fair share of local taxes and observe local laws, and will provide adequate wages and working conditions for local labor. It involves confidence on the part of investors, through intergovernmental agreements or otherwise, that they will not be deprived of their property without prompt, adequate, and effective compensation; that they will be given reasonable opportunity to remit their earnings and withdraw their capital; that they will have reasonable freedom to manage, operate, and control their enterprises; that they will enjoy security in the protection of their persons and property, including industrial and intellectual property, and nondiscriminatory treatment in taxation and in the conduct of their business affairs.

SEC. 403. (a) It is declared to be the policy of the United States to aid the efforts of the peoples of economically underdeveloped areas to develop their resources and improve their working and living conditions by encouraging the exchange of technical knowledge and skills and the flow of investment capital to countries which provide conditions under which such technical assistance and capital can effectively and constructively contribute to raising standards of living, creating new sources of wealth, increasing productivity and expanding purchasing power.

(b) It is further declared to be the policy of the United States that in order to achieve the most effective utilization of the resources of the United States, private and public, which are or may be available for aid in the development of economically underdeveloped areas, agencies of the United States Government, in reviewing requests of foreign governments for aid for such purposes, shall take into consideration (1) whether the assistance applied for is an appropriate part of a program reasonably designed to contribute to the balanced and integrated development of the country or area concerned; (2) whether any works or facilities which may be projected are actually needed in view of similar facilities existing in the area and are otherwise economically sound; and (3) with respect to projects for which capital is requested, whether private capital is available either in the country or elsewhere upon reasonable terms and in sufficient amounts to finance such projects.

SEC. 404. (a) In order to accomplish the purposes of this title, the United States is authorized to participate in multilateral technical cooperation programs carried on by the United Nations, the Organi-

zation of American States, and their related organizations, and by other international organizations, wherever practicable.

(b) Within the limits of appropriations made available to carry out the purposes of this title, the President is authorized to make contributions to the United Nations for technical cooperation programs carried on by it and its related organizations which will contribute to accomplishing the purposes of this title as effectively as would participation in comparable programs on a bilateral basis. The President is further authorized to make contributions for technical cooperation programs carried on by the Organization of American States, its related organizations, and by other international organizations.

(c) Agencies of the United States Government on request of international organizations are authorized, upon approval by the President, to furnish services and such facilities as may be necessary in connection therewith, on an advance of funds or reimbursement basis, for such organizations in connection with their technical cooperation programs. Amounts received as reimbursements from such organizations shall be credited, at the option of the appropriate agency, either to the appropriation, fund, or account utilized in incurring the obligation, or to an appropriate appropriation, fund, or account currently available for the purposes for which expenditures were made.

SEC. 405. The President is authorized to plan, undertake, administer, and execute bilateral technical cooperation programs carried on by any United States Government agency and, in so doing—

(a) To coordinate and direct existing and new technical cooperation programs.

(b) To assist other interested governments in the formulation of programs for the balanced and integrated development of the economic resources and productive capacities of economically underdeveloped areas.

(c) To receive, consider, and review reports of joint commissions set up as provided in section 410 of this title.

(d) To make, within appropriations made available for the purpose, advances and grants in aid of technical cooperation programs to any person, corporation, or other body of persons, or to any foreign government or foreign government agency.

(e) To make and perform contracts or agreements in respect of technical cooperation programs on behalf of the United States Government with any person, corporation, or other body of persons however designated, whether within or without the United States, or with any foreign government or foreign government agency: *Provided*, That with respect to contracts or agreements which entail commitments for the expenditure of funds appropriated pursuant to the authority of this title, such contracts or agreements, within the limits of appropriations or contract authorizations hereafter made available may, subject to any future action of the Congress, run for not to exceed three years in any one case.

(f) To provide for printing and binding outside the conti-

mental limits of the United States, without regard to section 11 of the Act of March 1, 1919 (44 U.S.C. 111).¹

(g) To provide for the publication of information made available by the joint commissions referred to in section 410, and from other sources, regarding resources, opportunities for private investment capital, and the need for technical knowledge and skill in each participating country.

SEC. 406. Agreements made by the United States under the authority of this title with other governments and with international organizations shall be registered with the Secretariat of the United Nations in accordance with the provisions of article 102 of the United Nations Charter.

SEC. 407. In carrying out the programs authorized in section 405 of this title—

(a) The participation of private agencies and persons shall be sought to the greatest extent practicable.

(b) Due regard shall be given, in reviewing requests for assistance, to the possibilities of achieving satisfactory results from such assistance as evidenced by the desire of the country requesting it (1) to take steps necessary to make effective use of the assistance made available, including the encouragement of the flow of productive local and foreign investment capital where needed for development; and (2) to endeavor to facilitate the development of the colonies, possessions, dependencies, and non-self-governing territories administered by such requesting country so that such areas may make adequate contribution to the effectiveness of the assistance requested.

(c) Assistance shall be made available only where the President determines that the country being assisted—

(1) Pays a fair share of the cost of the program.

(2) Provides all necessary information concerning such program and gives the program full publicity.

(3) Seeks to the maximum extent possible full coordination and integration of technical cooperation programs being carried on in that country.

(4) Endeavors to make effective use of the results of the program.

(5) Cooperates with other countries participating in the program in the mutual exchange of technical knowledge and skills.

SEC. 408. The President is authorized to prescribe such rules and regulations as may be necessary and proper to carry out the provisions of this title.

SEC. 409. The President shall create an advisory board, hereinafter referred to as the "board", which shall advise and consult with the President or such other officer as he may designate to administer the

¹ Under the provisions of the section referred to, it is necessary to obtain the approval of the Congressional Joint Committee on Printing before arranging to have official printing of the Executive Departments done anywhere other than (1) at the Government Printing Office or (2) at a field printing plant approved by that committee.

program herein authorized, with respect to general or basic policy matters arising in connection with operation of the program. The board shall consist of not more [than] thirteen members to be appointed by the President, one of whom, by and with the advice and consent of the Senate, shall be appointed by him as chairman. The members of the board shall be broadly representative of voluntary agencies and other groups interested in the program, including business, labor, agriculture, public health, and education. All members of the board shall be citizens of the United States; none except the chairman shall be an officer or an employee of the United States (including any agency or instrumentality of the United States) who as such regularly receives compensation for current services. Members of the board, other than the chairman if he is an officer of the United States Government, shall receive out of funds made available for the purposes of this title a per diem allowance of \$50 for each day spent away from their homes or regular places of business for the purpose of attendance at meetings of the board or at conferences held upon the call of the chairman, and in necessary travel, and while so engaged they may be paid actual travel expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses. The President may appoint such committees in special fields of activity as he may determine to be necessary or desirable to effectuate the purposes of this title. The members of such committees shall receive the same compensation as that provided for members of the board.

SEC. 410. (a) At the request of a foreign country, there may be established a joint commission for economic development to be composed of persons named by the President and persons to be named by the requesting country, and may include representatives of international organizations mutually agreed upon.

(b) The duties of each such joint commission shall be mutually agreed upon, and may include, among other things, examination of the following:

(1) The requesting country's requirements with respect to technical assistance.

(2) The requesting country's resources and potentialities, including mutually advantageous opportunities for utilization of foreign technical knowledge and skills and investment.

(3) Policies which will remove deterrents to and otherwise encourage the introduction, local development, and application of technical skills and the creation and effective utilization of capital, both domestic and foreign; and the implementation of such policies by appropriate measures on the part of the requesting country and the United States, and of other countries, when appropriate, and after consultation with them.

(c) Such joint commissions shall prepare studies and reports which they shall transmit to the appropriate authorities of the United States and of the requesting countries. In such reports the joint commissions may include recommendations as to any specific projects which they conclude would contribute to the economic development of the requesting countries.

(d) The costs of each joint commission shall be borne by the United States and the requesting country in the proportion that may be agreed upon between the President and that country.

SEC. 411. All or part of United States support for and participation in any technical cooperation program carried on under this title shall be terminated by the President—

(a) If he determines that such support and participation no longer contribute effectively to the purposes of this title, are contrary to a resolution adopted by the General Assembly of the United Nations that the continuance of such technical cooperation programs is unnecessary or undesirable, or are not consistent with the foreign policy of the United States.

(b) If a concurrent resolution of both Houses of the Congress finds such termination is desirable.

SEC. 412. The President may exercise any power or authority conferred on him by this title through the Secretary of State or through any other officer or employee of the United States Government.

SEC. 413. In order to carry out the purposes of this title—

(a) The President shall appoint, by and with the advice and consent of the Senate, a person who, under the direction of the President or such other officer as he may designate pursuant to section 412 hereof to exercise the powers conferred upon him by this title, shall be responsible for planning, implementing, and managing the programs authorized in this title. He shall be compensated at a rate fixed by the President without regard to the Classification Act of 1949¹ but not in excess of \$15,000 per annum.

(b) Officers, employees, agents, and attorneys may be employed for duty within the continental limits of the United States in accordance with the provisions of the civil-service laws and the Classification Act of 1949.

(c) Persons employed for duty outside the continental limits of the United States and officers and employees of the United States Government assigned for such duty, may receive compensation at any of the rates provided for the Foreign Service Reserve and Staff by the Foreign Service Act of 1946 (60 Stat. 999), as amended, may receive allowances and benefits not in excess of those established thereunder, and may be appointed to any class in the Foreign Service Reserve or Staff in accordance with the provisions of such Act.

(d) Alien clerks and employees employed for the purpose of performing functions under this title shall be employed in accordance with the provisions of the Foreign Service Act of 1946, as amended.

(e) Officers and employees of the United States Government may be detailed to offices or positions to which no compensation is attached with any foreign government or foreign government agency or with any international organization: *Provided, That*

¹ 5 U.S.C. § 1071 et seq.

while so detailed any such person shall be considered, for the purpose of preserving his privileges, rights, seniority, or other benefits, an officer or employee of the United States Government and of the United States Government agency from which detailed and shall receive therefrom his regular compensation, which shall be reimbursed to such agency from funds available under this title: *Provided further*, That such acceptance of office shall in no case involve the taking of an oath of allegiance to another government.

(f) Experts and consultants or organizations thereof may be employed as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), and individuals so employed may be compensated at a rate not in excess of \$75 per diem.

(g) Such additional civilian personnel may be employed without regard to subsection (a) of section 14 of the Federal Employees Pay Act of 1946 (60 Stat. 219), as amended,¹ as may be necessary to carry out the policies and purposes of this title.

SEC. 414. No citizen or resident of the United States, whether or not now in the employ of the Government, may be employed or assigned to duties by the Government under this Act until such individual has been investigated by the Federal Bureau of Investigation and a report thereon has been made to the Secretary of State: *Provided, however*, That any present employee of the Government, pending the report as to such employee by the Federal Bureau of Investigation, may be employed or assigned to duties under this Act for the period of three months from the date of its enactment. This section shall not apply in the case of any officer appointed by the President by and with the advice and consent of the Senate.

SEC. 415. The President shall transmit to the Congress an annual report of operations under this title.

SEC. 416. (a) In order to carry out the provisions of this title, there shall be made available such funds as are hereafter authorized and appropriated from time to time for the purposes of this title: *Provided, however*, That for the purpose of carrying out the provisions of this title through June 30, 1951, there is hereby authorized to be appropriated a sum not to exceed \$35,000,000,² including any sums appropriated to carry on the activities of the Institute of Inter-American Affairs, and technical cooperation programs as defined in section 418 herein under the United States Information and Educational Exchange Act of 1948 (62 Stat. 6).³ Activities provided for under this title may be prosecuted under such appropriations or under authority granted in appropriation Acts to enter into contracts pending enactment of such appropriations. Unobligated balances of such

¹ Concerning maximum totals of certain categories of employees.

² Chapter XI, "Foreign Aid Appropriation Act, 1951," of the act of Sept. 6, 1950, "General Appropriation Act, 1951," contained an appropriation of \$26.9 million for international development, and authorized the transfer to this activity of not more than \$2.6 million from the appropriation for international information and educational activities for the fiscal year 1951.

³ Act of Jan. 27, 1948; also printed in *A Decade of American Foreign Policy*, pp. 224-1234.

appropriations for any fiscal year may, when so specified in the appropriation Act concerned, be carried over to any succeeding fiscal year or years. The President may allocate to any United States Government agency any part of any appropriation available for carrying out the purposes of this title. Such funds shall be available for obligation and expenditure for the purposes of this title in accordance with authority granted hereunder or under authority governing the activities of the Government agencies to which such funds are allocated.

(b) Nothing in this title is intended nor shall it be construed as an expressed or implied commitment to provide any specific assistance, whether of funds, commodities, or services, to any country or countries, or to any international organization.

SEC. 417. If any provision of this title or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of the title and the applicability of such provision to other circumstances or persons shall not be affected thereby.

SEC. 418. As used in this title—

(a) The term "technical cooperation programs" means programs for the international interchange of technical knowledge and skills designed to contribute to the balanced and integrated development of the economic resources and productive capacities of economically underdeveloped areas. Such activities may include, but need not be limited to, economic, engineering, medical, educational, agricultural, fishery, mineral, and fiscal surveys, demonstration, training, and similar projects that serve the purpose of promoting the development of economic resources and productive capacities of underdeveloped areas. The term "technical cooperation programs" does not include such activities authorized by the United States Information and Educational Exchange Act of 1948 (62 Stat. 6) as are not primarily related to economic development nor activities undertaken now or hereafter pursuant to the International Aviation Facilities Act (62 Stat. 450), nor pursuant to the Philippine Rehabilitation Act of 1946 (60 Stat. 128), as amended, nor pursuant to the Foreign Assistance Act of 1948 (62 Stat. 137), as amended, nor activities undertaken now or hereafter in the administration of areas occupied by the United States armed forces or in Korea by the Economic Cooperation Administration.

(b) The term "United States Government agency" means any department, agency, board, wholly or partly owned corporation or instrumentality, commission, or independent establishment of the United States Government.

(c) The term "international organization" means any intergovernmental organization of which the United States is a member.

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7. ADMINISTERING AUTHORITY UNDER THE ACT FOR INTERNATIONAL DEVELOPMENT: Executive Order No. 10159, September 8, 1950¹

By virtue of the authority vested in me by the Act for International Development, approved June 5, 1950 (Title IV of Public Law 535, 81st Congress),² hereinafter referred to as the act, and as President of the United States, it is hereby ordered as follows:

1. The Secretary of State is authorized and directed (a) to perform the functions and exercise the powers and authority vested in the President by the act, except those so vested by section 413 (a) thereof, and except those so vested by section 409 thereof except as provided below, and (b), in cooperation with the heads of other appropriate departments and agencies and wholly-owned corporations of the Government, to plan and execute the programs authorized by the act.

2. For the purpose of promoting the effective implementation of the act, the heads of all departments and agencies the participation of which is requested by the Secretary of State are hereby authorized and directed to provide for such participation to the maximum extent consistent with law.

3. There is established pursuant to section 409 of the act the International Development Advisory Board. The members of the Board shall serve for terms of two years. The Board shall meet at the request of the Secretary of State to advise and consult with him on general policy matters. The Secretary of State is authorized to create and appoint such additional committees in special fields of activity as he may find, after consultation with the heads of other appropriate departments and agencies, to be necessary and desirable, in accordance with the provisions of section 409 of the act.

4. The Secretary of State shall establish an Interdepartmental Advisory Council on Technical Cooperation, to be composed of the heads of participating departments and agencies or their representatives. The Council shall be advisory to the Secretary of State.

HARRY S. TRUMAN

8. ESTABLISHMENT OF THE TECHNICAL COOPERATION ADMINISTRATION IN THE DEPARTMENT OF STATE: Departmental Announcement 212, October 27, 1950³

1. The Technical Cooperation Administration (TCA) is established effective October 27, 1950. The Interim Office for Technical Cooperation (TCD), established by Departmental Announcement 41, February 21, 1950,⁴ is hereby abolished and its personnel and functions, as redefined below, are transferred to the Technical Cooperation Administration.

¹ 15 *Fed. Reg.* 6103.

² *Supra.*

³ Department of State *Bulletin*, Nov. 13, 1950, pp. 793-795.

⁴ *Ibid.*, Mar. 13, 1950, p. 422.

2. The Technical Cooperation Administrator will, under the general direction of the Secretary of State, plan, implement, and manage the technical cooperation (Point 4) programs authorized by the Act for International Development (Title IV of the Foreign Economic Assistance Act of 1950, Public Law 535, 81st Cong.).¹ The Administrator shall perform the functions and exercise the powers and authority vested in the Secretary of State by the act and those vested in the President by the act and delegated to the Secretary by Executive Order 10159.²

3. The Technical Cooperation Administration shall operate as an integral component of the Department, utilizing the Department's staff services and facilities and shall conduct its activities pursuant to its own terms of reference and those of other components of the Department as prescribed below and in the Manual of Regulations and Procedures, Volume II, Organization. At each country mission, the chief of mission shall be responsible for the administration of the bilateral program in his country.

4. The Technical Cooperation Administration shall:

a. Formulate general policies and plans for the conduct of existing and new technical cooperation programs;

b. Review and coordinate country and area program plans submitted by the regional bureaus, make necessary adjustments, and direct preparation of specific implementing projects;

c. Approve projects, determine action agencies, allocate funds for United States bilateral programs within an approved financial plan, and approve assignment of United States Government personnel abroad to such programs;

d. Coordinate bilateral technical cooperation programs with other programs for economic development affecting the same areas and coordinate negotiations and consultations with intergovernmental and private agencies carrying on technical cooperation programs affecting such areas;

e. Maintain liaison with and supervise and coordinate the technical cooperation activities of other Federal agencies authorized by the act;

f. Assure the effective operation of programs and projects and select or approve technical cooperation officers for field assignments; and, through the regional bureaus, direct their program activities;

g. Establish general standards for the creation and operation of joint commissions, select United States members and coordinate their activities with other phases of the program;

h. Determine the amount to be allotted for United States contributions to multilateral technical cooperation programs carried on by international organizations and approve payment of such contributions; determine, with the concurrence of the Bureau of United Nations Affairs, the United States position on the character and scope of and priorities within such activities; and approve the furnishing of services and facilities by Federal agencies for their execution;

¹ *Supra*, doc. 6.

² *Supra*.

i. Determine whether technical assistance may be given to a requesting country under the act and terminate, in consultation with the appropriate regional bureau insofar as country political affairs are involved, all or part of United States support for and participation in any technical cooperation program under the provisions of section 411 of the Act for International Development;

j. Consult with the International Development Advisory Board (IDAB) provided by the act and Executive Order 10159 and recommend the appointment by the Secretary of advisory committees in special fields of activity in consultation with interested offices and Federal agencies.

5. The regional bureaus shall:

a. Develop coordinated program plans for individual countries or groups of countries; assist in the development of detailed plans for individual projects; and review program proposals affecting their areas which originate in other sources;

b. Communicate and negotiate with foreign governments; review or advise with respect to the assignment of and generally supervise bilateral program personnel in the field; evaluate programs and projects within their regions; propose program changes; and review or advise with respect to the selection of, and give policy guidance and general support to, United States members of joint commissions.

6. The Bureau of United Nations Affairs shall:

a. Develop the United States position concerning the international organizational machinery to be used for technical cooperation activities and the relative contributions to be pledged by the United States and other countries to the special technical assistance accounts of international organizations; coordinate and conduct negotiations on such matters; and make recommendations for the payment of contributions to the special accounts of international organizations from funds allotted by the Technical Cooperation Administration;

b. Assure the development of the United States positions on the character, scope and priorities of technical cooperation programs for economic development to be undertaken by international organizations, on the amount to be allotted for United States contributions, and on program allocations among international organizations; and advise the Technical Cooperation Administration on the substance of such positions and on the termination of participation in multilateral programs under the provisions of section 411 of the act.

c. Arrange for direct contact on operating program matters between the United Nations (including the participating specialized agencies and regional commissions) and the Technical Cooperation Administration, and between intergovernmental and other United States agencies at the request of the Technical Cooperation Administration.

7. The existing division of responsibility between the Bureau of Inter-American Affairs and the Bureau of United Nations Affairs

with regard to intergovernmental organizations of the other American Republics shall apply to matters arising under this announcement.

8. Subject to the responsibilities assigned to the Technical Cooperation Administration in paragraph 4, the following units of the Department shall have such responsibilities in dealing with the indicated international organizations in connection with technical cooperation matters as accord with their general responsibilities set forth in the Organization Manual:

a. The Office of Financial and Development Policy with respect to the International Bank and Monetary Fund;

b. The Office of Transport and Communications Policy with respect to the International Telecommunication Union, the International Civil Aviation Organization, and other international organizations concerned with transport and communications;

c. The UNESCO Relations Staff with respect to the United Nations Educational, Scientific and Cultural Organization.

9. The offices in the economic area shall be responsible for the development of over-all economic policy in their respective specialized fields. These offices, and in particular the Investment and Economic Development Staff in the Office of Financial and Development Policy, shall advise on and coordinate with the Administrator on economic policy matters relating to underdeveloped areas and on the relationship of United States Government financial programs to technical cooperation programs, and shall maintain liaison with United States and international agencies to facilitate the coordination of financial programs with the planning and operation of technical cooperation programs.

10. The Office of Educational Exchange shall:

a. Develop plans and procedures for, and facilitate the screening, selection, reception, placement, and orientation of foreign trainees;

b. Coordinate Point 4 training with other United States Government training programs and activities;

c. Assure the adequate review and evaluation of training projects, develop means for maintaining contact with trainees following completion of their program, and perform other related functions as requested by the Administrator.

11. In accordance with the terms of Executive Order 10159, there is established the Interdepartmental Advisory Council on Technical Cooperation (TEC) effective on the date of its first meeting. The Administrator shall serve as Chairman of the Interdepartmental Advisory Council. The Interdepartmental Committee on Scientific and Cultural Cooperation and the Advisory Committee on Technical Assistance will be abolished effective on the date of the first meeting of the Interdepartmental Advisory Council.

12. Pending publication of appropriate revisions to the Organization Manual, section 041 of the Manual shall be considered an annex hereto.

D. THE MUTUAL SECURITY PROGRAM, 1951-1953

9. MUTUAL SECURITY ACT OF 1951, AS AMENDED BY THE MUTUAL SECURITY ACTS OF 1952 AND 1953: Public Law 165 (82d Congress, 1st Session), October 10, 1951; Amended by Public Law 400 (82d Congress, 2d Session), June 20, 1952, and Public Law 118 (83d Congress, 1st Session), July 16, 1953 (Excerpts)¹

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mutual Security Act of 1951".

SEC. 2. (a) The Congress declares it to be the purpose of this Act to maintain the security and to promote the foreign policy of the United States by authorizing military, economic, and technical assistance to friendly countries to strengthen the mutual security and individual and collective defenses of the free world, to develop their resources in the interest of their security and independence and the national interest of the United States and to facilitate the effective participation of those countries in the United Nations system for collective security. The purposes of the Mutual Defense Assistance Act of 1949, as amended (22 U. S. C. 1571-1604), the Economic Cooperation Act of 1948, as amended (22 U. S. C. 1501-1522), and the Act for International Development (22 U. S. C. 1557) shall hereafter be deemed to include this purpose.

(b)² The Congress welcomes the recent progress in political federation, military integration, and economic unification in Europe and reaffirms its belief in the necessity of further vigorous efforts toward these ends as a means of building strength, establishing security, and preserving peace in the North Atlantic area. In order to provide further encouragement to such efforts, the Congress believes it essential that this Act should be so administered as to support concrete measures for political federation, military integration, and economic unification in Europe. Appropriations made pursuant to paragraphs 101 (a) (1), relating to military assistance, and 101 (a) (2), relating to defense support and economic assistance, of this Act may be used, pursuant

¹ 65 Stat. 373, 66 Stat. 141, and 67 Stat. 152 respectively; *Mutual Security Legislation and Related Documents*, Committee Print of the House Committee on Foreign Affairs, 83d Cong., 1st sess., December 1953, pp. 1-42. For the sake of brevity, certain footnotes in the Committee print text which do not relate specifically to the basic purposes of the acts are here deleted. The footnotes throughout this document are from the Committee print. Except for sections 11 (amending the Surplus Property Act of 1944, as amended) and 12 (authorizing appropriations for the U. N. International Children's Emergency Fund) of the Mutual Security Act of 1952, and sec. 710 (b) of the act of 1953 (repealing sec. 115 (k) of the Economic Cooperation Act of 1948), the acts of 1952 and 1953 consist of amendments to the Mutual Security Act of 1951, the Mutual Defense Assistance Act of 1949, as amended, the Economic Cooperation Act of 1948, as amended, and the Act for International Development.

² This subsection was added by sec. 2 of the Mutual Security Act of 1952.

to the applicable terms and conditions of the Mutual Defense Assistance Act of 1949, as amended, and of section 503 of this Act, respectively, to furnish assistance (including, in the case of amounts available pursuant to paragraph 101 (a) (2), transfers of funds) to any of the following organizations: (A) The North Atlantic Treaty Organization, (B) the European Coal and Steel Community, (C) the organization which may evolve from current international discussions concerning a European defense community.

TITLE I—EUROPE

SEC. 101 (a) In order to support the freedom of Europe through assistance which will further the carrying out of the plans for defense of the North Atlantic area, while at the same time maintaining the economic stability of the countries of the area so that they may meet their responsibilities for defense, and to further encourage the economic unification and the political federation of Europe, there are hereby authorized to be appropriated to the President for the fiscal year 1952 for carrying out the provisions and accomplishing the policies and purpose of this Act—

(1) not to exceed \$5,028,000,000 for assistance pursuant to the provisions of the Mutual Defense Assistance Act of 1949, as amended (22 U. S. C. 1571-1604), for countries which are parties to the North Atlantic Treaty, for Spain,¹ and for any country of Europe (other than a country covered by another title of this Act), which the President determines to be of direct importance to the defense of the North Atlantic area and whose increased ability to defend itself the President determines is important to the preservation of the peace and security of the North Atlantic area and to the security of the United States (any such determination to be reported forthwith to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Armed Services of the Senate and of the House of Representatives), and not to exceed \$100,000,000 of such appropriation for any selected persons who are residing in or escapees from the Soviet Union, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Lithuania, Latvia, and Estonia, or the Communist-dominated or Communist-occupied areas of Germany and Austria, or any Communist-dominated or Communist-occupied areas of Asia² and any other countries absorbed by the Soviet Union either to form such persons into elements of the military forces supporting the North Atlantic Treaty Organization or for other purposes, when it is determined by the President that such assistance will contribute to the defense of the North Atlantic area or to the security of the

¹ The words "for Spain" were added by sec. 3 (a) of the Mutual Security Act of 1952.

² The words "or any Communist-dominated or Communist-occupied areas of Asia" were added by sec. 703 of the Mutual Security Act of 1953.

United States. In addition, unexpended balances of appropriations heretofore made for carrying out the purposes of the Mutual Defense Assistance Act of 1949, as amended, through assistance to any of the countries covered by this paragraph are hereby authorized to be continued available through June 30, 1952, and to be consolidated with the appropriation authorized by this paragraph. Section 408 (c) of the Mutual Defense Assistance Act of 1949, as amended (22 U. S. C. 1579), is hereby repealed. There is hereby authorized to be appropriated to the President for the fiscal year 1953 not to exceed \$3,415,614,750, for assistance pursuant to the provisions of the Mutual Defense Assistance Act of 1949, as amended (22 U. S. C. 1571-1604) to countries eligible for assistance under this paragraph; and in addition unexpended balances of any appropriations heretofore made pursuant to this paragraph are authorized to be continued available for their original purposes through June 30, 1953, and to be consolidated with the appropriation hereby authorized.¹

(2) ² There is hereby authorized to be appropriated to the President for the fiscal year 1953 not to exceed \$1,282,433,000 to provide assistance to any country covered by paragraph (1) of this subsection and to any other country covered by section 503 of this Act in accordance with the provisions of such section; and in addition unexpended balances of appropriations heretofore made pursuant to this paragraph are authorized to be continued available for their original purposes through June 30, 1953, and to be consolidated with the appropriation hereby authorized.

(b) ³ Not to exceed 10 per centum of the total of the appropriations made available under this section may be transferred, when deter-

¹ This last sentence was added by sec. 3 (b) of the Mutual Security Act of 1952.

² This subsection was revised by sec. 3 (c) of the Mutual Security Act of 1952. It formerly read as follows: "(2) not to exceed \$1,022,000,000 for assistance pursuant to the provisions of the Economic Cooperation Act of 1948, as amended (22 U. S. C. §§ 1501-1522) (including assistance to further European military production), for any country of Europe covered by paragraph (1) of this subsection and for any other country covered by section 103 (a) of the said Economic Cooperation Act of 1948, as amended. In addition, unexpended balances of appropriations heretofore made for carrying out the purposes of the Economic Cooperation Act of 1948, as amended, are hereby authorized to be continued available through June 30, 1952, and to be consolidated with the appropriation authorized by this paragraph: *Provided*, That not to exceed \$10,000,000 of the funds made available pursuant to this paragraph may be utilized to effectuate the principles set forth in section 115 (e) of the Economic Cooperation Act of 1948, as amended."

³ This subsection was revised by sec. 701 (a) of the Mutual Security Act of 1953. The changes made are shown as follows: "(b) Not to exceed 10 per centum of the total of the appropriations [granted pursuant to] *made available under* this section may be transferred, when determined by the President to be necessary for the purpose of this Act, between appropriations granted pursuant to either paragraph of subsection (a): [*Provided*, That the amount herein authorized to be transferred shall be determined without reference to any balances of prior appropriations continued available pursuant to this section:] *Provided [further]*, That, whenever the President makes any such determination, he shall forthwith notify the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Armed Services of the Senate and of the House of Representatives."

mined by the President to be necessary for the purpose of this Act, between appropriations made available under either paragraph of subsection (a): *Provided*, That whenever the President makes any such determination, he shall forthwith notify the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Armed Services of the Senate and of the House of Representatives.

(c) ¹ Not less than \$25,000,000 of the funds made available under authority of subsections (a) and (b) of this section shall be used for economic, technical, and military assistance to Spain in accordance with the provisions of this Act. Unexpended balances of appropriations made available for assistance to Spain pursuant to this section by the Act of October 31, 1951 (Public Law 249, Eighty-second Congress), are authorized to be continued available until June 30, 1953.

SEC. 102. There is hereby authorized to be appropriated to the President for the fiscal year 1954, to be made available on such terms and conditions, including transfer of funds, as he may specify, (1) not to exceed \$100,000,000 for manufacture in France of artillery, ammunition, and semiautomatic weapons required by French forces for the defense of the North Atlantic area, and (2) not to exceed \$100,000,000 for manufacture in the United Kingdom of military aircraft required by United Kingdom forces for the defense of the North Atlantic area. ²

TITLE II—NEAR EAST AND AFRICA

SEC. 201. In order to further the purpose of this Act by continuing to provide military assistance to Greece, Turkey, and Iran, there are hereby authorized to be appropriated to the President for the fiscal year 1952, not to exceed \$396,250,000 for furnishing assistance to Greece and Turkey pursuant to the provisions of the Act of May 22, 1947, as amended (22 U. S. C. 1401-1410), and for furnishing assistance to Iran pursuant to the provisions of the Mutual Defense Assistance Act of 1949, as amended (22 U. S. C. 1571-1604). In addition, unexpended balances of appropriations heretofore made for assistance to Greece and Turkey, available for the fiscal year 1951, pursuant to the Act of May 22, 1947, as amended, and for assistance to Iran pursuant to the Mutual Defense Assistance Act of 1949, as amended, are hereby authorized to be continued available through June 30, 1952, and to be consolidated with the appropriation authorized by this section. There is hereby authorized to be appropriated to the President for the fiscal year 1953 not to exceed \$560,316,500, to carry out the purposes and provisions of this section; and in addition unexpended balances of any appropriations heretofore made pursuant to this section are authorized to be continued available for their original purposes through

¹ This subsection was added by sec. 3 (d) of the Mutual Security Act of 1952, PL 249, 82d Cong., the Mutual Security Appropriation Act, 1952, appropriated \$100,000,000 for assistance to Spain.

² This section was added by sec. 201 (b) of the Mutual Security Act of 1953.

June 30, 1953, and to be consolidated with the appropriation hereby authorized.¹

SEC. 202. (a) Whenever the President determines that such action is essential for the purpose of this Act, he may provide assistance, pursuant to the provisions of the Mutual Defense Assistance Act of 1949, as amended, to any country of the Near East area (other than those covered by section 201) and may utilize not to exceed 10 per centum of the amount made available² under section 201 of this Act: *Provided*, That any such assistance may be furnished only upon determination by the President that (1) the strategic location of the recipient country makes it of direct importance to the defense of the Near East area, (2) such assistance is of critical importance to the defense of the free nations, and (3) the immediately increased ability of the recipient country to defend itself is important to the preservation of the peace and security of the area and to the security of the United States.

(b)³ There is hereby authorized to be appropriated to the President for the fiscal year 1954 not to exceed \$50,000,000 to be available, whenever the President determines that such action is essential for the purpose of this Act, in order to provide assistance, pursuant to the provisions of the Mutual Defense Assistance Act of 1949, as amended, in the area of the Near East and Africa. Such assistance may be furnished to any organization created pursuant to a regional defense arrangement in the area, to any nation in the general area participating in such an arrangement, or to any other nation in the general area which the President determines to be of direct importance to the defense of the area and whose increased ability to defend itself the President determines to be important to the security of the United States (any such determination to be reported forthwith to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Armed Services of the Senate and of the House of Representatives). No assistance shall be furnished under this subsection unless the recipient nation has agreed (1) that the equipment, materials, or services provided will be used solely to maintain its internal security, its legitimate self-defense, or to permit it to participate in the defense of the area, or in United Nations collective security arrangements and measures, and (2) that it will not undertake any act of aggression against any other nation.

¹ This sentence was added by sec. 4 (a) of the Mutual Security Act of 1952.

² Sec. 701 (b) of the Mutual Security Act of 1953 deleted from this location the following expression: "(excluding balances of prior appropriations continued available) pursuant to section 201" and substituted the phrase "under section 201".

³ This subsection was added by sec. 704 of the Mutual Security Act of 1953.

SEC. 203.¹ In order to further the purpose of this Act in Africa and the Near East there is hereby authorized to be appropriated to the President for the fiscal year 1953 not to exceed \$50,822,750 to carry out the purposes and provisions of this section; and in addition unexpended balances of any appropriations heretofore made pursuant to this section are authorized to be continued available for their original purposes through June 30, 1953, and to be consolidated with the appropriation hereby authorized. Funds appropriated pursuant to this section shall be available under the applicable provisions of section 503 of this Act and the Act for International Development (22 U. S. C. 1557).

SEC. 204. Not to exceed \$50,000,000 of the funds authorized under section 203 hereof may be contributed to the United Nations during the fiscal year 1952, for the purposes, and under the provisions, of the United Nations Palestine Refugee Aid Act of 1950 (22 U. S. C. 1556): *Provided*, That, whenever the President shall determine that it would more effectively contribute to the purposes of the said United Nations Palestine Refugee Aid Act of 1950, he may allocate any part of such funds to any agency of the United States Government to be utilized in furtherance of the purposes of said Act and any amount so allocated shall be a part of the United States contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East and shall be so credited by said Agency.

SEC. 205. In order to assist in the relief of refugees coming into Israel, not to exceed \$50,000,000 of the funds authorized under section 203 hereof may be utilized during the fiscal year 1952, under such terms and conditions as the President may prescribe, for specific refugee relief and resettlement projects in Israel.

¹ This section was revised by sec. 4 (b) of the Mutual Security Act of 1952. The changes made are shown as follows: "Sec. 203. In order to further the purpose of this Act in Africa and the Near East [, there are] *there is* hereby authorized to be appropriated to the President [,] for the fiscal year [1952,] *1953* not to exceed [\$160,000,000 for economic and technical assistance in Africa and the Near East in areas other than those covered by section 103 (a) of the Economic Cooperation Act of 1948, as amended (22 U. S. C. 1502). Funds appropriated pursuant to this section shall be available under the applicable provisions of the Economic Cooperation Act of 1948, as amended (22 U. S. C. 1501-1522), and of the Act for International Development (22 U. S. C. 1557).] *\$50,822,750 to carry out the purposes and provisions of this section; and in addition unexpended balances of any appropriations heretofore made pursuant to this section are authorized to be continued available for their original purposes through June 30, 1953, and to be consolidated with the appropriation hereby authorized. Funds appropriated pursuant to this section shall be available under the applicable provisions of section 503 of this Act and the Act for International Development (22 U. S. C. 1557).*"

SEC. 206.¹ In order to further the purpose of this Act in the Near East and Africa, there is hereby authorized to be appropriated to the President for the fiscal year 1954 not to exceed \$194,000,000 to be used, on such terms and conditions as he may specify, to furnish special economic assistance designed to promote the economic development of the area, for relief and rehabilitation of refugees in the area, and for other types of economic assistance to assist in maintaining economic and political stability in the area. The applicable provisions of the Act for International Development (64 Stat. 204; 22 U. S. C. 1557), except the provisions relating to the purpose for which assistance may be given, or of section 503 (b) (3) of this Act, shall apply to the expenditure of funds pursuant to this section to the extent that they are not inconsistent with the purposes of this section.

TITLE III—ASIA AND PACIFIC

SEC. 301. In order to carry out in the general area of China (including the Republic of the Philippines and the Republic of Korea) the provisions of subsection (a) of section 303 of the Mutual Defense Assistance Act of 1949, as amended (22 U. S. C. 1604 (a)), there are hereby authorized to be appropriated to the President for the fiscal year 1952, not to exceed \$535,250,000. In addition, unexpended balances of appropriations heretofore made for carrying out the provisions of title III of the Mutual Defense Assistance Act of 1949, as amended (22 U. S. C. 1602-1604), are hereby authorized to be continued available through June 30, 1952, and to be consolidated with the appropriation authorized by this section. Not to exceed \$50,000,000 of funds appropriated pursuant to this section (excluding balances of appropriations continued available) may be accounted for as provided in subsection (a) of said section 303. There is hereby authorized to be appropriated to the President for the fiscal year 1953 not to exceed \$564,807,500, to carry out the purposes and provisions of this section; and in addition unexpended balances of any appropriations heretofore made pursuant to this section are hereby authorized to be continued available for their original purposes through June 30, 1953, and to be consolidated with the appropriation hereby authorized.²

SEC. 302. (a) In order to further the purpose of this Act through the strengthening of the area covered in section 301 of this Act,³

¹ This sec. 206 was substituted by sec. 501 of the Mutual Security Act of 1953 for a prior sec. 206 on the subject of refugees. The old sec. 206 read as follows: "In addition to the amounts authorized by section 203, there is hereby authorized to be appropriated not to exceed \$60,063,250 for carrying out the purposes and provisions of section 204 of this Act, relating to Palestine refugees, during the fiscal year 1953; and not to exceed \$70,228,000 for carrying out the purposes and provisions of section 205 of this Act, relating to refugees in Israel, during the fiscal year 1953: *Provided*, That amounts appropriated pursuant to this section which the President finds cannot be effectively expended to carry out the purposes and provisions of sections 204 and 205 may be transferred to and merged with the appropriations authorized by section 203."

² This sentence was added by sec. 5 (a) of the Mutual Security Act of 1952.

³ From this location there was deleted, by sec. 705 of the Mutual Security Act of 1953, the parenthetical expression "(but not including the Republic of Korea)."

there are hereby authorized to be appropriated to the President, for the fiscal year 1952, not to exceed \$237,500,000 for economic and technical assistance in those portions of such area which the President deems to be not under Communist control. Funds appropriated pursuant to authority of this section shall be available under the applicable provisions of Section 503 of this Act and the applicable provisions of the Act for International Development (22 U. S. C. 1557).¹ In addition, unexpended balances of funds heretofore made available for carrying out the purposes of the China Area Aid Act of 1950 (22 U. S. C. 1547), are hereby authorized to be continued available through June 30, 1952, and to be consolidated with the appropriation authorized by this section. There is hereby authorized to be appropriated to the President for the fiscal year 1953 not to exceed \$202,778,250, to carry out the purposes and provisions of this subsection in accordance with the applicable provisions of section 503 of this Act and not to exceed \$118,634,250 to carry out the purposes and provisions of this subsection in accordance with the applicable provisions of the Act for International Development (Public Law 535, Eighty-first Congress); and in addition unexpended balances of any appropriations heretofore made pursuant to this subsection are hereby authorized to be continued available for their original purposes through June 30, 1953, and to be consolidated with the appropriation hereby authorized.²

(b)³ In order to further the purpose of this Act in India and Pakistan, there is hereby authorized to be appropriated to the President for the fiscal year 1954 not to exceed \$94,400,000 to be used, on such terms and conditions as he may specify, to furnish special economic assistance designed to promote the economic development of such countries, to assist in maintaining economic and political stability therein, and to enable the countries designated in this subsection to make greater progress toward solving their mutual problems in co-operation with each other. The applicable provisions of the Act for International Development, except the provisions relating to the purpose for which assistance may be given, or of section 503 (b) (3) of this Act, shall apply to the expenditure of funds pursuant to this section to the extent that they are not inconsistent with the purposes of this section.

(c) The third proviso of section 202 of the China Area Aid Act of 1950 is amended by inserting "and of Korea" after "selected citizens of China" the first time it appears therein. Unexpended balances of

¹ The changes made in this sentence by sec. 5 (b) of the Mutual Security Act of 1952 are shown as follows: "Funds appropriated pursuant to the authority of this section shall be available under [the applicable provisions of the Economic Cooperation Act of 1948, as amended (22 U. S. C. 1501-1522), and] *the applicable provisions of section 503 of this Act and the applicable provisions of the Act for International Development (22 U. S. C. 1557).*"

² This sentence was added by sec. 5 (b) of the Mutual Security Act of 1952.

³ This subsection was added by sec. 502 of the Mutual Security Act of 1953, and the subsection which was formerly 302 (b) was redesignated as 302 (c).

allocations heretofore made to the Secretary of State pursuant to that proviso shall be continued available until expended.¹

SEC. 303. (a) In order to provide for a United States contribution to the United Nations Korean Reconstruction Agency, established by the resolution of the General Assembly of the United Nations of December 1, 1950, there are hereby authorized to be appropriated to the President for the fiscal year 1953² not to exceed \$45,000,000. In addition, unobligated balances of the appropriations heretofore made, and available during the fiscal year 1951, for assistance to Korea under authority of the Far Eastern Economic Assistance Act of 1950, as amended (22 U. S. C. 1543, 1551, 1552), are hereby authorized to be continued available through June 30, 1953,³ and to be consolidated with the appropriation authorized by this section. In addition, the United States Department of the Army is hereby authorized to make available to the United Nations Korean Reconstruction Agency, at the time when that agency assumes full responsibility for relief and rehabilitation in Korea, goods and services of a value not to exceed \$40,750,000⁴ which the Department of the Army then has on hand or on order for civilian relief in Korea and which the President determines should be contributed by the United States to the United Nations Korean Reconstruction Agency for use in its relief and rehabilitation operations in Korea. The value of goods and services made available pursuant to the preceding sentence shall be credited toward the contribution to be made by the United States to the United Nations Korean Reconstruction Agency.⁵ Not to exceed 50 per centum of the total of the appropriations authorized by this section may, when determined by the President to be necessary for the purpose of this Act, be transferred to and consolidated with the appropriation authorized by paragraph 302 (a). There is hereby authorized to be appropriated to the President for the fiscal year 1954 not to exceed \$71,000,000 for making contributions to the United Nations Korean Reconstruction Agency, or such other agency for relief and rehabilitation in Korea as the President may direct.⁶

(b) The sums made available pursuant to subsection (a) may be contributed from time to time on behalf of the United States in such amounts as the President determines to be appropriate to support those functions of the United Nations Korean Reconstruction Agency which the military situation in Korea permits the Agency to undertake

¹ This sentence was added by sec. 5 (c) of the Mutual Security Act of 1952.

² The words "for the fiscal year 1953" were added by sec. 5 (d) of the Mutual Security Act of 1952.

³ Changed from "1952" to "1953" by sec. 5 (e) of the Mutual Security Act of 1952.

⁴ This figure was changed from \$67,500,000 to \$40,750,000 by sec. 605 (b) of the Mutual Security Act of 1953.

⁵ This and the preceding sentence were added by sec. 5 (f) of the Mutual Security Act of 1952.

⁶ This sentence was added by sec. 605 (a) of the Mutual Security Act of 1953.

pursuant to arrangements between the Agency and the United Nations Unified Command.¹

(c) The provisions of subsections 304 (a) and (b) of the United Nations Palestine Refugee Aid Act of 1950 (22 U. S. C. 1556 (b)) are hereby made applicable with respect to Korean assistance furnished under this section.

(d) Unencumbered balances of sums heretofore or hereafter deposited in the special account established pursuant to paragraph (2) of article V of the agreement of December 10, 1948, between the United States of America and the Republic of Korea (62 Stat., part 3, 3788)² shall be used in Korea for such purposes as the President determines to be consistent with United Nations programs for assistance to Korea and as may be agreed to between the Government of the United States and the Republic of Korea.

(e) The functions of the Administrator for Economic Cooperation under the provisions of section 3 of the Far Eastern Economic Assistance Act of 1950, as amended (22 U. S. C. 1551), shall hereafter be performed by such departments or agencies of the Government as the President shall direct.

SEC. 304.³ There is hereby authorized to be appropriated to the President for the fiscal year 1954, to be made available on such terms and conditions, including transfer of funds, as he may specify, not to exceed \$400,000,000 for the procurement of equipment, materials, and services (as defined in section 411 of the Mutual Defense Assistance Act of 1949, as amended) which are required by and are to be made available to, or are necessary for the support of, the forces of the Associated States of Cambodia, Laos, and Vietnam and the forces of France located in such Associated States.

TITLE IV—AMERICAN REPUBLICS AND NON-SELF-GOVERNING TERRITORIES OF THE WESTERN HEMISPHERE⁴

SEC. 401. In order to further the purpose of this Act through the furnishing of military assistance to the other American Republics, there are hereby authorized to be appropriated to the President, for the fiscal year 1952, not to exceed \$38,150,000 for carrying out the purposes of this section under the provisions of the Mutual Defense Assistance Act of 1949, as amended: *Provided*, That such assistance may be furnished only in accordance with defense plans which are found by the President to require the recipient country to participate

¹ The following sentence was deleted from this subsection by sec. 5 (g) of the Mutual Security Act of 1952: "The aggregate amount which may be contributed on behalf of the United States pursuant to the preceding sentence shall be reduced by the value of goods and services made available to Korea by any department or agency of the United States for relief and economic assistance after the assumption of responsibility for relief and rehabilitation operations in Korea by the United Nations Korean Reconstruction agency."

² TIAS 1908.

³ This section was added by sec. 201 (c) of the Mutual Security Act of 1953.

⁴ The words "and non-self-governing territories of the Western Hemisphere" were added by sec. 6 of the Mutual Security Act of 1952.

in missions important to the defense of the Western Hemisphere. Any such assistance shall be subject to agreements, as provided herein and as required by section 402 of the Mutual Defense Assistance Act of 1949, as amended (22 U. S. C. 1573), designed to assure that the assistance will be used to promote the defense of the Western Hemisphere; and after agreement by the Government of the United States and the country concerned with respect to such missions, military assistance hereunder shall be furnished only in accordance with such agreement.

SEC. 402. In order to further the purpose of this Act among the peoples of the American Republics and non-self-governing territories of the Western Hemisphere¹ through the furnishing of technical assistance, there are hereby authorized to be appropriated to the President, for the fiscal year 1952, not to exceed \$21,250,000 for assistance under the provisions of the Act for International Development (22 U. S. C. 1557) and of the Institute of Inter-American Affairs Act, as amended (22 U. S. C. 281).

SEC. 403.² In addition to the amounts heretofore authorized and appropriated, there are hereby authorized to be appropriated to the President for the fiscal year 1953 not to exceed \$57,685,750 to carry out the purposes and provisions of section 401, which relates to military assistance for Latin America, and not to exceed \$20,329,000 to carry out the purposes and provisions of section 402, which relates to technical assistance for Latin America. In addition, unexpended balances of the appropriation heretofore made pursuant to each such section are authorized to be continued available for their original purposes through June 30, 1953, and to be consolidated with the applicable appropriation authorized by this section.

TITLE V—ORGANIZATION AND GENERAL PROVISIONS

UNIFIED DIRECTION OF PROGRAM

SEC. 501. (a) In order that the programs of military, economic, and technical assistance authorized by this Act may be administered as parts of a unified program in accordance with the intent of Congress and to fix responsibility for the coordination and supervision of these programs in a single person, the President is authorized to appoint in the Executive Office of the President a Director for Mutual Security.³ The Director, on behalf of the President and subject to his direction, shall have primary responsibility for—

(1) continuous supervision and general direction of the assistance programs under this Act to the end that such programs shall be (A) effectively integrated both at home and abroad, and

¹ The words "and non-self-governing territories of the Western Hemisphere" were added by sec. 6 of the Mutual Security Act of 1952.

² This section was added by sec. 6 of the Mutual Security Act of 1952.

³ This office was abolished by sec. 8 (a) (1) of Reorganization Plan No. 7 of 1953, effective Aug. 1, 1953 [*infra*, doc. 12]. The functions vested by the Mutual Security Act of 1951, as amended, and any other statutes, in the Director for Mutual Security were transferred by sec. 2 (a) of the same plan to the Director of the Foreign Operations Administration.

(B) administered so as to assure that the defensive strength of the free nations of the world shall be built as quickly as possible on the basis of continuous and effective self-help and mutual aid;

(2) preparation and presentation to the Congress of such programs of foreign military, economic, and technical assistance as may be required in the interest of the security of the United States;

(3) preparation for the President of the report to the Congress required by section 518 of this Act and the supervision, coordination, and evaluation of all reports prepared by agencies of the United States Government in the course of their operations under this Act, in order to prevent duplication of effort and to insure a reduction of reporting requirements to the minimum essential for effective operation.¹

(e) (1) The fourth paragraph of section 101 (a) of the National Security Act of 1947, as amended (50 U. S. C. 402 (a)), is amended by inserting after clause (4) the following:

"(5) the Director for Mutual Security;"
and by renumbering clauses (5) and (6) thereof as clauses (6) and (7), respectively.²

MUTUAL SECURITY AGENCY

SEC. 502. (a) The Economic Cooperation Administration and the offices of Administrator for Economic Cooperation, Deputy Administrator, United States Special Representative in Europe, and Deputy Special Representative are hereby abolished.³

(b) To assist in carrying out the purpose of this Act—

(1) there is hereby established, with its principal office at the seat of the government, a Mutual Security Agency, hereinafter

¹ The part of this sentence which begins with the words "and the supervision . . ." was added by sec. 7 (b) of the Mutual Security Act of 1952.

² As amended, sec. 101 (a) provides that the National Security Council shall be composed of—

"(1) The President;

"(2) The Vice President;

"(3) The Secretary of State;

"(4) The Secretary of Defense;

"(5) *The Director for Mutual Security*;

"(5) (6) The Chairman of the National Security Resources Board; and

"(6) (7) The Secretaries and Under Secretaries of other executive departments and of the military departments, the Chairman of the Munitions Board, and the Chairman of the Research and Development Board, when appointed by the President by and with the advice and consent of the Senate, to serve at his pleasure."

³ The Administration and the offices abolished by this section were established by sec. 104 of the Economic Cooperation Act of 1948, which was repealed by sec. 7 (c) of the Mutual Security Act of 1952.

referred to as the Agency, which shall be headed by the Director for Mutual Security; and

(2) there shall be transferred to the Director the powers, functions, and responsibilities conferred upon the Administrator for Economic Cooperation by the Economic Cooperation Act of 1948, as amended, and by any other law, but no such powers, functions, and responsibilities shall be exercised after June 30, 1952, except as provided in subsection (c) of this section.

(c) Not later than April 1, 1952, the President shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives which of the powers, functions, and responsibilities transferred to the Director by subsection (b) (2) are found by the President to be necessary to enable the Director after June 30, 1952, to carry out the duties conferred upon him by section 503. The termination provisions of section 122 of the Economic Cooperation Act of 1948, as amended,¹ shall come into effect on June 30, 1952, and none of the powers, functions, and responsibilities conferred by that Act shall be exercised after that date, except those powers, functions, and responsibilities found necessary to enable the Director to carry out the duties conferred on him by section 503 of this Act, which powers, functions, and responsibilities unless otherwise provided by law shall continue in effect until June 30, 1954.

ADDITIONAL DUTIES OF DIRECTOR FOR MUTUAL SECURITY

SEC. 503. (a) After June 30, 1952, the Director, on behalf of the President and subject to his direction, shall, in consultation with the Secretaries of State and Defense, continue to have primary responsibility for—

(1) the development and administration of programs of assistance designed to sustain and increase military effort, including production, construction, equipment and matériel in each country or in groups of countries which receive United States military assistance;

(2) the provision of such equipment, materials, commodities, services, financial, or other assistance as he finds to be necessary for carrying out mutual defense programs; and

(3) the provision of limited economic assistance to foreign nations for which the United States has responsibility as a result of participation in joint control arrangements when the President finds that the provision of such economic assistance is in the interest of the security of the United States.

[(b) repeals the Economic Cooperation Act of 1948, as amended, except for certain portions.]

¹ Sec. 122 was repealed by sec. 7 (c) of the Mutual Security Act of 1952.

APPOINTMENT AND TRANSFER OF PERSONNEL

SEC. 504.¹ (a) To carry out the functions conferred by sections 502 and 503 of this Act, there shall be in the Agency a Deputy Director, a Special Representative in Europe, and a Deputy Special Representative in Europe, who shall be appointed by the President by and with the advice and consent of the Senate.

THE SECRETARY OF STATE

SEC. 505. Nothing contained in this Act shall be construed to infringe upon the powers or functions of the Secretary of State.

THE SECRETARY OF DEFENSE

SEC. 506. (a) In the case of aid under this Act for military end items and related technical assistance and advice, the Secretary of Defense shall have primary responsibility and authority for—

- (1) the determination of military end-item requirements;
- (2) the procurement of military equipment in a manner which permits its integration with service programs;
- (3) the supervision of end-item use by the recipient countries;
- (4) the supervision of the training of foreign military personnel; and
- (5) the movement and delivery of military end items.

(b) The establishment of priorities in the procurement, delivery, and allocation of military equipment shall be determined by the Secretary of Defense. The apportionment of funds between countries shall be determined by the President.

(c) Notwithstanding any other provision of law, beginning with July 1, 1952,² the Secretary of Defense may furnish (subject to reimbursement from funds appropriated pursuant to this Act) military assistance out of the materials of war whose production in the United States shall have been authorized for, and appropriated to, the Department of Defense: *Provided, however*, That nothing in this Act shall authorize the furnishing of military items under this subsection in excess of \$1,000,000,000 in value. For the purposes of this subsection (1) "value" shall be determined in accordance with section 403 (c) ³ of the Mutual Defense Assistance Act of 1949, as amended, and (2) the term "materials of war" means those goods, commonly known as

¹ The offices established by this section were all abolished by sec. 8 of Reorganization Plan No. 7 of 1953 [*infra*, doc. 12]. The office of Deputy Director of the Foreign Operations Administration was established by sec. 1 (c) of the same plan. To succeed the Special Representative in Europe, a United States Mission to the North Atlantic Treaty Organization and European Regional Organizations (USRO) was established by the President's approval on June 16, 1953 of a "Memorandum with Reference to the Reorganization of the Special Representative in Europe (SRE)" [text in Department of State *Bulletin*, July 13, 1953, p. 48].

² Sec. 7 (g) of the Mutual Security Act of 1952 substituted the phrase, "beginning with July 1, 1952" for the phrase, "during the fiscal year 1952."

³ Sec. 7 (g) of the Mutual Security Act of 1952 substituted "403 (c)" for "402 (c)".

military end¹ items, which are required for the performance of their missions by armed forces of a nation, including weapons, military vehicles, ships of war under fifteen hundred tons, aircraft, military communications equipment, ammunition, maintenance parts and spares, and military hardware.

OVERSEAS COORDINATION

SEC. 507. The President shall prescribe appropriate procedures to assure coordination among representatives of the United States Government in each country, under the leadership of the Chief of the United States Diplomatic Mission.

RELATIONSHIP TO TECHNICAL COOPERATION ADMINISTRATION AND INSTITUTE OF INTER-AMERICAN AFFAIRS

SEC. 508. Nothing in this Act shall be construed to modify the provisions of section 412 of the Act for International Development² or the provisions of the Institute of Inter-American Affairs Act.³

DETAIL OF PERSONNEL TO FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

SEC. 509. . . .

SECURITY CLEARANCE

SEC. 510. . . .

ELIGIBILITY FOR ASSISTANCE

SEC. 511. (a) No military, economic, or technical assistance authorized pursuant to this Act (other than assistance provided under section 408 (e) of the Mutual Defense Assistance Act of 1949, as amended) shall be supplied to any nation in order to further military effort unless the President finds that the supplying of such assistance will strengthen the security of the United States and unless the recipient country has agreed to—

(1) join in promoting international understanding and good will, and maintaining world peace;

(2) take such action as may be mutually agreed upon to eliminate causes of international tension;

(3) fulfill the military obligations which it has assumed under multilateral or bilateral agreements or treaties to which the United States is a party;

(4) make, consistent with its political and economic stability, the full contribution permitted by its manpower, resources,

¹ The word "end" was added by sec. 7 (g) of the Mutual Security Act of 1952.

² Sec. 1 (b) of Ex. Or. 10458, June 1, 1953 [*infra*, doc. 13], transferred the Technical Cooperation Administration from the Department of State to the jurisdiction of the Director of the Foreign Operations Administration.

³ Sec. 3 of Reorganization Plan No. 7 of 1953 (effective Aug. 1, 1953), transferred the Institute of Inter-American Affairs to the Foreign Operations Administration and transferred the functions vested by the Inter-American Affairs Act in the Secretary of State to the Director of the Foreign Operations Administration [see *infra*, doc. 12].

facilities, and general economic condition to the development and maintenance of its own defensive strength and the defensive strength of the free world;

(5) take all reasonable measures which may be needed to develop its defense capacities; and

(6) take appropriate steps to insure the effective utilization of the economic and military assistance provided by the United States.

(b) No economic or technical assistance shall be supplied to any other nation unless the President finds that the supplying of such assistance will strengthen the security of the United States and promote world peace, and unless the recipient country has agreed to join in promoting international understanding and good will, and in maintaining world peace, and to take such action as may be mutually agreed upon to eliminate causes of international tension.

(c)¹ (1) The Congress of the United States finds that mutual security can be realized only to the extent that the countries who receive our aid do their utmost to help themselves and cooperate among themselves and with the United States to the fullest extent in achieving the objectives of the free world. In providing assistance under this Act, the Congress of the United States affirms the desire of the United States to continue to use its leadership and resources for the purpose of uniting the efforts of recipient countries to the end that positive accomplishments toward mutual security may be realized with a maximum of efficiency and a minimum of delay and cost.

(2) In addition to the provisions of subsections (a) and (b) of this section, the Director, in administering this Act, shall insure that, where necessary to the mutual security effort, no country shall receive any assistance hereunder unless it take decisive action to marshal its resources collectively, or individually where more suitable, with integration and unification plans in the appropriate area, and participate in programs which promote collective security in that area. The Director shall insure that, where suitable or necessary to the success of the mutual security effort, countries take adequate steps to mobilize their industries for mutual defense and gear their fiscal, budgetary, capital, political, and military resources to the objectives of this Act and take appropriate other steps toward self-help and mutual cooperation.

(3) Assistance shall be given on a country-by-country basis to a degree and at a rate commensurate with the rate of progress made in the attainment of the objectives of this Act.

FUTURE AUTHORIZATIONS

SEC. 512. In order to carry out the purpose of this Act, with respect to those countries eligible to receive assistance as provided herein, funds shall be available as authorized and appropriated to the President each fiscal year.

¹ This subsection was added by sec. 7 (h) of the Mutual Security Act of 1952.

SPECIAL USE OF FUNDS¹

SEC 513. . . .

STRATEGIC MATERIALS

SEC. 514.² In order to reduce the drain on United States resources and to assure the production of adequate supplies of essential raw materials for the collective defense of the free world, the Director for Mutual Security is authorized to initiate projects for, and assist in procuring and stimulating increased production of, materials in which deficiencies or potential deficiencies in supply exist among nations receiving United States assistance. There is hereby authorized to be appropriated to the President for the fiscal year 1954 not to exceed \$7,500,000 to carry out the provisions of this section.

PROTECTION AGAINST ATTACHMENT

SEC. 515. . . .

ENCOURAGEMENT OF FREE ENTERPRISE

SEC. 516.³ (a) The Congress recognizes the vital role of free enterprise in achieving rising levels of production and standards of living essential to the economic progress and defensive strength of the free world. Accordingly, it is declared to be the policy of the United States, in furtherance of the objectives of this Act, to encourage the efforts of other free countries in fostering private initiative and competition, in discouraging monopolistic practices, in improving the technical efficiency of their industry, agriculture, and commerce, and in the strengthening of free labor unions; and to encourage American enterprise in contributing to the economic strength of other free countries through private investment abroad and the exchange of ideas and technical information on the matters covered by this subsection.

¹ This heading was substituted for "Transferability Between Titles" by sec. 7 (i) of the Mutual Security Act of 1952.

² This section was revised by sec. 7 (j) of the Mutual Security Act of 1952. It formerly read: "In order to promote the increased production, in areas covered by this Act, of materials in which the United States is deficient, not to exceed \$55,000,000 of the funds authorized to be appropriated pursuant to section 101 (a) (2) of this Act may be used pursuant to the authority contained in the Economic Cooperation Act of 1948, as amended (22 U. S. C. 1501-1522)."

The last sentence was added by sec. 402 of the Mutual Security Act of 1953.

³ Subsec. (a) was revised by sec. 710 (a) of the Mutual Security Act of 1953. It formerly read as follows:

"It is hereby declared to be the policy of the Congress that this Act shall be administered in such a way as (1) to eliminate the barriers to, and provide the incentives for, a steadily increased participation of free private enterprise in developing the resources of foreign countries consistent with the policies of this Act, (2) to the extent that it is feasible and does not interfere with the achievement of the purposes set forth in this Act, to discourage the cartel and monopolistic business practices prevailing in certain countries receiving aid under this Act which result in restricting production and increasing prices, and to encourage where suitable competition and productivity, and (3) to encourage where suitable the development and strengthening of the free labor union movements as the collective bargaining agencies of labor within such countries."

(b) ¹ Under the coordination of the Director for Mutual Security, the Mutual Security Agency, cooperating with private business groups and governmental agencies to the fullest extent possible, shall encourage a greater participation by private capital in the guaranty program and shall develop broad criteria to facilitate such participation, including programs consistent with the purposes of the Act for International Development.

(c) The Department of Commerce shall, in cooperation with such groups and agencies (including the International Bank for Reconstruction and Development), conduct a thorough study of the legal and other impediments, foreign and local, to private investment abroad, and the methods and means whereby those impediments can be removed or decreased and shall make recommendations thereon to the Director for Mutual Security.

(d) The Department of State, in cooperation with other agencies of the Government concerned with private investment abroad, and taking into account the study and recommendations described in subsection (c) of this section, shall accelerate a program of negotiating treaties of commerce and trade, or other temporary arrangements where more suitable or expeditious, which shall include provisions to encourage and facilitate the flow of private investment to countries participating in programs under this Act.

(e) The Technical Cooperation Administration,² taking into account the study and recommendations described in subsection (c) of this section, shall encourage and facilitate a greater participation by private industrial groups or agencies in private contracts awarded by the Administration, and shall, in cooperation with the Department of Commerce and the Mutual Security Agency, find and draw the attention of private enterprise to opportunities for investment and development in underdeveloped areas.

(f) The reports required by section 518 of this Act shall include detailed information on the implementation of this section.

PATENTS AND TECHNICAL INFORMATION

SEC. 517. . . .

REPORTS

SEC. 518. . . .

LOCAL CURRENCY

SEC. 519. (a) Upon a determination by the Director that it will further the purpose of this Act, not to exceed \$10,000,000 of the funds made available pursuant to section 203 of this Act and not to exceed \$25,000,000 of funds made available pursuant to section 302 of this

¹ Subsecs. (b) through (f) were added by sec. 7 (k) of the Mutual Security Act of 1952. Sec. 710 (a) (2) of the Mutual Security Act of 1953 deleted the words "To accomplish the purpose of clause (1) of subsection (a) of this section, under" at the beginning of subsection (b) and substituted in lieu thereof the word "Under".

² The Technical Cooperation Administration was transferred to the jurisdiction of the Director for Mutual Security by sec. 1 (b) of Ex. Or. 10458 [*infra*, doc. 13]. Pursuant to Reorganization Plan No. 7 of 1953 [*infra*, doc. 12], the Director for Mutual Security became the Director of the Foreign Operations Administration.

Act may be advanced out of funds made available for assistance under section 503 of this Act¹ to countries covered by said sections in return for equivalent amounts of the currency of such countries being made available to meet local currency needs of the aid programs in such countries pursuant to agreements made in advance with the United States: *Provided*, That except when otherwise prescribed by the Director as necessary to the effective accomplishment of the aid programs in such countries, all funds so advanced shall be held under procedures set out in such agreements until used to pay for goods and services approved by the United States or until repaid to the United States for reimbursement to the appropriation from which drawn.

(b) In order to assist in carrying out the provisions of the Economic Cooperation Act of 1948, as amended, not to exceed \$50,000,000 of funds made available under the authority of this Act for assistance pursuant to the provisions of the Economic Cooperation Act of 1948, as amended (22 U. S. C. 1501-1522), may be used to acquire local currency for the purpose of increasing the production of materials in which the United States is deficient.

GUARANTIES

SEC. 520. Funds realized from the sales of notes pursuant to section 111 (c) (2) of the Economic Cooperation Act of 1948, as amended, shall be available for making guaranties of investments in accordance with the applicable provisions of sections 111 (b) (3) and 111 (c) (2) of the Economic Cooperation Act, as amended, in any country with which the United States has agreed to institute the guaranty program, notwithstanding the provisions of section 511 of this Act.²

ADMINISTRATIVE EXPENSES

SEC. 521. Funds made available for carrying out the provisions of title I of this Act shall be available for United States participation in the acquisition or construction of facilities in foreign countries for collective defense: *Provided*, That no part of such funds shall be expended for rental or purchase of land or for payment of taxes. Such funds shall also be available for the administrative expenses of carrying out the purposes of all of the titles of this Act, including expenses incident to United States participation in international security organizations and expenses in the United States in connection with programs authorized under the Act for International Development.³ Funds made available for carrying out the purpose of this Act in the Federal Republic of Germany may, as authorized in sub-

¹ The words "out of funds made available for assistance under section 503 of this Act" were added by sec. 7 (l) of the Mutual Security Act of 1952.

² The words beginning "in any country" and continuing through the end of the sentence were substituted by sec. 706 (c) of the Mutual Security Act of 1953 for the words "in any area in which assistance is authorized by this Act."

³ There was deleted from this location by sec. 706 (f) (1) of the Mutual Security Act of 1953 the following sentence: "Any currency of any nation received by the United States for its own use in connection with assistance furnished by the United States may be used by any agency of the Government without reimbursement from any appropriation for the administrative and operating expenses of carrying out the purpose of this Act."

section 114 (h) of the Economic Cooperation Act of 1948, as amended (22 U. S. C. 1512 (h)), be transferred by the President to any department or agency for the expenses necessary to meet the responsibilities and obligations of the United States in the Federal Republic of Germany.

SEC. 522.¹ . . .

USE OF COUNTERPART

SEC. 523. . . .

RETURN OF EQUIPMENT

SEC. 524. The President shall make appropriate arrangements with each nation receiving equipment or matériel under the Mutual Defense Assistance Act of 1949, as amended (other than equipment or material furnished under terms requiring the nation to reimburse the United States in full therefor), for the return to the United States (1) for salvage or scrap, or (2) for such other disposition as the President shall deem to be in the interest of mutual security, of any of such equipment or material as is no longer required for the purposes for which originally made available.

REIMBURSABLE AID

SEC. 525. . . .

EXCESS EQUIPMENT

SEC. 526. . . .

CONGRESSIONAL COMMITTEE EXPENSES

SEC. 527. . . .

UNITED NATIONS TECHNICAL ASSISTANCE

SEC. 528. The Act for International Development is amended—

(a) By adding before the period at the end of section 404 (b) the following: “: *Provided*, That for the fiscal year ending June 30, 1952, such contributions from funds made available under authority of sections 101 (a) (2), 203, 302, and 402 of the Mutual Security Act of 1951 shall not exceed in the aggregate \$13,000,000, and the use of such contributions shall not be limited to the area covered by the section of the Act from which the funds are drawn”.

(b) By adding at the end of section 407 a new paragraph:

“(d) Participating countries shall be encouraged to establish fair labor standards of wages and working conditions and management-labor relations.”

(c) By repealing section 414.²

¹ This section was repealed by sec. 7 (a) of the Mutual Security Act of 1952. It formerly read as follows: “Section 111 (c) of the Economic Cooperation Act of 1948, as amended (22 U. S. C. 1501-1522), is hereby amended by adding a new paragraph as follows: ‘(3) Of the assistance provided under the applicable provisions of this Act with funds made available under the authority of the Mutual Security Act of 1951, as great an amount (in no event less than 10 per centum) as possible shall be provided on credit terms.’”

² Sec. 414 of the Act for International Development related to personnel investigations by the Federal Bureau of Investigation. It was replaced by sec. 510, Security Clearance, in the Mutual Security Act of 1951.

TERMINATION OF ASSISTANCE BY PRESIDENT

SEC. 529. If the President determines that the furnishing of assistance to any nation—

(a) is no longer consistent with the national interest or security of the United States or the policies and purpose of this Act; or

(b) would contravene a decision of the Security Council of the United Nations; or

(c) would be inconsistent with the principle that members of the United Nations should refrain from giving assistance to any nation against which the Security Council or the General Assembly has recommended measures in case of a threat to, or breach of, the peace, or act of aggression,

he shall terminate all or part of any assistance furnished pursuant to this Act. The function conferred herein shall be in addition to all other functions heretofore conferred with respect to the termination of military, economic, or technical assistance.

EXPIRATION OF PROGRAM

SEC. 530.¹ (a) After June 30, 1954, or after the date of the passage of a concurrent resolution by the two Houses of Congress before such date, none of the authority conferred by this Act or by the Mutual Defense Assistance Act of 1949, as amended (22 U. S. C. 1571-1604) may be exercised; except that during the twenty-four months following such date equipment, materials, commodities, and services with respect to which procurement for, shipment to, or delivery in a recipient country had been authorized prior to such date, may be transferred to such country, and funds appropriated under authority of this Act may be obligated during such twenty-four month period for the necessary expenses of procurement, shipment, delivery, and other activities essential to such transfer and shall remain available during such period for the necessary expenses of liquidating operations under this Act: *Provided*, That such part of the equipment, materials, and services referred to above as is to be transferred to recipient countries under the Mutual Defense Assistance Act of 1949, as amended, or the Act of May 22, 1947, as amended, may be so transferred until June 30, 1957, and that part of the funds referred to above which is appropriated to carry out such Acts may be obligated for the purposes set forth above, and for liquidating operations under this proviso, until June 30, 1957: *Provided*, That guaranties authorized under section 111 (b) (3) of the Economic Cooperation Act of 1948, as amended, may be issued until June 30, 1957, out of any funds remaining available for that purpose.

(b) At such time as the President shall find appropriate after such date, and prior to the expiration of the twenty-four months following such date, the powers, duties, and authority conferred by this Act and by the Mutual Defense Assistance Act of 1949, as amended, may

¹ Sec. 706 (d) of the Mutual Security Act of 1953 added the provisos to sec. 530 (a) and substituted "twenty-four months" and "twenty-four month" for "twelve months" and "twelve month" respectively wherever they appeared formerly in sec. 530.

be transferred for the purpose of liquidation to such other departments, agencies, or establishments of the Government as the President shall specify, and the relevant funds, records, property and personnel may be transferred to the departments, agencies, or establishments to which the related functions are transferred.

EFFECTIVE DATE

SEC. 531. Sections 502 (a), (b), (2), and section 504 (b) of this Act shall take effect on such date or dates as the President shall specify, but in no event later than sixty days after the date the Director first appointed takes office. Section 511 shall take effect ninety days after enactment of this Act. All other provisions of this Act shall take effect upon the date of its enactment.

EXEMPTION FROM CONTRACT, ACCOUNTING, AND CERTAIN OTHER LAWS

SEC. 532. . . .

SEC. 533. . . .

MOVEMENT OF MIGRANTS

SEC. 534.¹ In order to encourage further the movement of migrants from European countries having surplus population, there is hereby authorized to be appropriated to the President \$9,240,500 for use in making contributions for the calendar year 1953 to the Provisional Intergovernmental Committee for the Movement of Migrants from Europe established at Brussels, Belgium, on December 5, 1951. There is hereby authorized to be appropriated to the President not to exceed \$10,000,000 for contributions during the calendar year 1954 to the Intergovernmental Committee for European Migration.

OCEAN FREIGHT CHARGES ON RELIEF PACKAGES

SEC. 535.² The authority to pay ocean freight charges on shipments of relief supplies and packages under section 117 (c) of the Economic Cooperation Act of 1948, as amended (22 U. S. C. 1515 (c)); shall be continued and may be exercised after June 30, 1952, by any department or agency of the Government that the President may designate: *Provided*, That this authority shall hereafter also be applicable to relief shipments by voluntary nonprofit relief agencies registered with and approved by the Advisory Committee on Voluntary Foreign Aid to any country eligible for economic or technical assistance under this Act; *And provided further*, That not to exceed \$2,587,500 are authorized to be appropriated to the President for the fiscal year 1953 for use in paying ocean freight charges under

¹ This section was added by sec. 7 (m) of the Mutual Security Act of 1952. The final sentence of the section was added by sec. 601 of the Mutual Security Act of 1953. A related provision, sec. 115 (e) of the Economic Cooperation Act of 1948, as amended, was repealed by sec. 7 (e) of the Mutual Security Act of 1952. In Ex. Or. 10458, sec. 2, this function was delegated by the President to the Director of the Foreign Operations Administration [see *infra*, doc. 13].

² This section was added by sec. 7 (m) of the Mutual Security Act of 1952. The final sentence of the section was added by sec. 604 of the Mutual Security Act of 1953. In Ex. Or. 10458, sec. 3, this function was delegated by the President to the Director of the Foreign Operations Administration [see *infra*, doc. 13].

section 117 (c) of the Economic Cooperation Act of 1948, as amended. There is hereby authorized to be appropriated to the President for the fiscal year 1954 not to exceed \$1,825,000 for use in paying ocean freight charges under section 117 (c) of the Economic Cooperation Act of 1948, as amended.

INFORMATIONAL MEDIA GUARANTIES

SEC. 536.¹ The authority to make informational media guaranties under section 111 (b) (3) of the Economic Cooperation Act of 1948, as amended, shall be fully continued and may be exercised after June 30, 1952, by any department or agency of the Government that the President may designate.

LIMITATION ON FUNDS FOR PROPAGANDA

SEC. 537.² None of the funds herein authorized to be appropriated nor any counterpart funds shall be used to pay for personal services or printing, or for other expenses of the dissemination within the United States of general propaganda in support of the mutual security program, or to pay the travel or other expenses outside the United States of any citizen or group of citizens of the United States for the purpose of publicizing such program within the United States.

SMALL BUSINESS

SEC. 538.² (a) Insofar as practicable and to the maximum extent consistent with the accomplishment of the purposes of this Act, the Director for Mutual Security shall assist American small business to participate equitably in the furnishing of commodities and services financed with funds authorized under this Act (other than funds authorized to carry out the provisions of the Mutual Defense Assistance Act of 1949, as amended) by making available or causing to be made available to suppliers in the United States and particularly to small independent enterprises, information, as far in advance as possible, with respect to purchases proposed to be financed with funds authorized under this Act (other than funds authorized to carry out the provisions of the Mutual Defense Assistance Act of 1949, as amended), by making available or causing to be made available to prospective purchasers in the countries receiving assistance under this Act information as to commodities and services produced by small independent enterprises in the United States, and by offering additional services to give small business better opportunities to participate in the furnishing of commodities and services financed with such funds.

(b) There shall be continued in the Mutual Security Agency the Office of Small Business headed by the Special Assistant for Small Business to carry out the provisions of subsections (a) and (b) of this section. Each report transmitted to the Congress under section 518

¹ This section was added by sec. 7 (m) of the Mutual Security Act of 1952. In Ex. Or. 10476, sec. 201, the United States Information Agency was designated to carry out the function authorized in sec. 536 [see *infra*, doc. 14].

² This section was added by sec. 7 (m) of the Mutual Security Act of 1952.

shall include a report of all activities under this section. The Technical Cooperation Administration shall adopt the procedure of notifying American business, particularly small independent enterprises, of procurement and other information as far in advance as possible through the facilities of the Office of Small Business of the Mutual Security Agency. The Secretary of Defense shall assure that there is made available to suppliers in the United States, and particularly to small independent enterprises, information with respect to purchases made by the Department of Defense pursuant to the provisions of the Mutual Defense Assistance Act of 1949, as amended, such information to be furnished as far in advance as possible.

(c) Section 112 (i) of the Economic Cooperation Act of 1948, as amended, is hereby repealed.

LIMITATION ON USE OF COUNTERPART FUNDS

SEC. 539.¹ Except as otherwise specifically authorized by law, all counterpart funds of local currencies created by section 115 (b) (6) of the Economic Cooperation Act of 1948, as amended, and by Acts supplementary or amendatory thereto shall be expended only on programs to carry out the purposes for which new funds authorized by this Act would themselves be available.

AUTHORIZATION OF APPROPRIATIONS

SEC. 540.² There is hereby authorized to be appropriated to the President for the fiscal year 1954 not to exceed \$2,129,689,870 to be available under section 101 (a) (1) (relating to military assistance for Europe): *Provided*, That of the equipment and materials made available under section 101 (a) (1) with funds appropriated pursuant to the authorization contained in this section, 50 per centum shall be transferred to the organization referred to in clause (C) of section 2 (b) or to the countries which become members thereof, unless the Congress, upon the recommendation of the President, shall hereafter otherwise provide; \$305,212,637 to be available under section 201 (relating to military assistance for the Near East and Africa); \$1,081,620,493 to be available under section 301 (relating to military and other assistance for Asia and the Pacific); and \$15,000,000 to be available under section 401 (relating to military assistance for Latin America).

SEC. 541.³ There is hereby authorized to be appropriated to the President for the fiscal year 1954 not to exceed \$250,000,000 to carry out the provisions of section 101 (a) (2) (relating to defense support and economic assistance for Europe), and not to exceed \$84,000,000 to carry out the provisions of section 302 (a) (relating to defense support, economic and technical assistance), including the exploration and development of mineral and petroleum resources, for the National Government of the Republic of China and the Associated States of Cambodia, Laos, and Vietnam.

¹ This section was added by sec. 7 (m) of the Mutual Security Act of 1952.

² This section was added by sec. 101 of the Mutual Security Act of 1953.

³ This section was added by sec. 201 (a) of the Mutual Security Act of 1953.

SEC. 542.¹ There is hereby authorized to be appropriated to the President for the fiscal year 1954 not to exceed \$100,000,000 for the purpose of furnishing special weapons to nations eligible to receive military assistance under this Act or to the international organizations referred to in section 2 (b) (A) and 2 (b) (C) of this Act: *Provided*, That, prior to the obligation of funds for this purpose, the President shall determine that such obligation is of direct importance to the security interest of the United States and is in furtherance of the policies and purposes of the Mutual Defense Assistance Act of 1949, as amended: *And provided further*, That, prior to the transfer of such weapons, the President shall determine (1) that the recipient is adequately prepared to safeguard the security of such weapons; (2) that the transfer of such weapons will be of direct importance to the security interest of the United States; and (3) that such transfer will further the purposes and policies of the Mutual Defense Assistance Act of 1949, as amended. Nothing contained in this section shall alter, amend, revoke, repeal, or otherwise affect the provisions of any law restricting, limiting, or prohibiting the transfer of any such weapons. Notwithstanding any other provisions of this Act, funds made available pursuant to this section may be used only for the purpose of this section.

SEC. 543.² There is hereby authorized to be appropriated to the President for the fiscal year 1954 not to exceed \$43,792,500 to carry out the provisions of section 203 (relating to economic and technical assistance for the Near East and Africa); \$72,100,000 to carry out the provisions of section 302 (a) (relating to defense support, economic and technical assistance) other than for the National Government of the Republic of China and the Associated States of Cambodia, Laos, and Vietnam; and \$24,342,000 to carry out the provisions of section 402 (relating to technical assistance for Latin America).

SEC. 544.³ There is hereby authorized to be appropriated to the President for the fiscal year 1954 not to exceed \$13,750,000 for multi-lateral technical cooperation under section 404 (b) of the Act for International Development.

SEC. 545.⁴ There is hereby authorized to be appropriated to the President not to exceed \$9,000,000 for contributions during the calendar year 1954 for the support of international children's welfare work in such manner and on such terms and conditions as he may deem to be in the interests of the United States.

UNEXPENDED BALANCES

SEC. 546.⁵ The unexpended balance under each paragraph of title III, Mutual Security, of the Supplemental Appropriation Act, 1953, is hereby authorized to be continued available for its original purposes through June 30, 1954, and may be consolidated with the appropriate

¹ This section was added by sec. 301 of the Mutual Security Act of 1953.

² This section was added by sec. 401 of the Mutual Security Act of 1953.

³ This section was added by sec. 602 of the Mutual Security Act of 1953.

⁴ This section was added by sec. 603 of the Mutual Security Act of 1953. See also sec. 12 of the Mutual Security Act of 1952, text on p. 44 [of the Committee print].

⁵ This section was added by sec. 702 of the Mutual Security Act of 1953.

fiscal year 1954 appropriation made for the same general purpose under the authority of this Act.

UNDERDEVELOPED AREAS

SEC. 547.¹ Whenever funds are made available under this Act for assistance, other than military assistance, to any economically underdeveloped area, such funds may be used under the applicable provisions of section 503 (b) (3) or the applicable provisions of the Act for International Development. Where administrative arrangements, including provisions relating to compensation and allowances of personnel, authorized under section 503 (b) (3), differ from those authorized by the Act for International Development, the Director may make use of arrangements authorized under either statute, in carrying out such programs, except that before extending the provisions of section 109 (a) of the Economic Cooperation Act of 1948, as amended, to countries in which programs authorized under the Act for International Development are being carried out, the Director will secure the approval of the Secretary of State.

UNITED STATES USE OF FOREIGN CURRENCY

SEC. 548.² (a) The several amounts otherwise authorized by this Act to be appropriated are authorized to be increased by amounts which shall not, in the aggregate, exceed \$98,396,000.

(b) Amounts appropriated pursuant to any authorization contained in this Act are authorized to be made available for purchase of foreign currencies (including foreign currencies or credits owed to or owned by the United States): *Provided*, That such currencies or credits are authorized to be made available for use, without reimbursement to the Treasury, for liquidation of obligations legally incurred against such currencies prior to July 1, 1953.

NEAR EAST REFUGEES

SEC. 549.³ (a) In order to contribute to the peace and stability of the Near East in particular and of the world in general, the Director for Mutual Security shall, in consultation with the Secretary of State, make a survey of the refugee situation in the Near East and report the results of the survey to the Congress within one hundred fifty days after the Mutual Security Act of 1953 is enacted, together with recommendations for seeking a solution. In the making of such report and recommendations, especial consideration shall be given to a program which would utilize the services and talents of these refugees to develop and expand the resources of the area, including its water resources.

(b) In carrying out his duties under this section, the Director for Mutual Security shall consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, and shall keep these committees constantly

¹ This section was added by sec. 706 (e) of the Mutual Security Act of 1953.

² This section was added by sec. 706 (f) (2) of the Mutual Security Act of 1953.

³ This section was added by sec. 706 (g) of the Mutual Security Act of 1953.

and fully informed of the action which he takes to carry out the provisions of this section.

USE OF SURPLUS AGRICULTURAL COMMODITIES

SEC. 550.¹ (a) Not less than \$100,000,000 and not more than \$250,000,000 of the funds authorized to be appropriated under this Act, shall be used, directly or indirectly, to finance the purchase of surplus agricultural commodities, or products thereof, produced in the United States.

(b) The President is authorized to enter into agreements with friendly countries for the sale and export of such surplus agricultural commodities under conditions negotiated by him with such countries and to accept in payment therefor local currency for the account of the United States. In negotiating agreements for the sale of such commodities, the President shall—

(1) take special precaution to safeguard against the substitution or displacement of usual marketings of the United States or friendly countries, and to assure to the maximum extent practicable that sales prices of such commodities are consistent with maximum world market prices of like commodities of similar quality, and to obtain the recommendations of the Secretary of Agriculture in carrying out the provisions of this subsection;

(2) use private trade channels to the maximum extent practicable;

(3) give appropriate emphasis to underdeveloped and new market areas;

(4) obtain assurance that the purchasing countries will not resell or transship to other countries or use for other than domestic consumption commodities purchased under this program without specific approval by the President.

(c) Notwithstanding section 1415 of the Supplemental Appropriation Act, 1953, or any other provision of law, the President shall use the proceeds of such sales for the purpose of this Act, giving particular regard to the following purposes—

(1) for providing military assistance to countries or mutual defense organizations eligible to receive assistance under this Act;

(2) for purchase of goods or services in friendly countries;

(3) for loans, under applicable provisions of this Act, to increase production of goods or services, including strategic materials, needed in any country with which an agreement was negotiated, or in other friendly countries, with the authority to use currencies received in repayment for the purposes stated in this section or for deposit to the general account of the Treasury of the United States;

(4) for developing new markets on a mutually beneficial basis;

(5) for grants-in-aid to increase production for domestic needs in friendly countries;

(6) for purchasing materials for United States stockpiles.

¹ This section was added by sec. 706 (h) of the Mutual Security Act of 1953.

(d) In carrying out the provisions of this section, the President shall take special precaution to safeguard against the displacement of foreign exchange earnings which would otherwise accrue to the United States or any friendly nations.

(e) The President is authorized to enter into such agreements with third countries receiving goods accruing from the proceeds of sales made pursuant to this section as he deems necessary to effectuate the purpose of this Act.

10. ADMINISTERING AUTHORITY UNDER THE MUTUAL SECURITY ACT OF 1951: Executive Order No. 10300, November 1, 1951¹

Sec. 1. *Delegation of functions of the President.*

(a) Except as otherwise provided in section 1 (b) of this order, the functions conferred upon the President by the following-designated laws are hereby delegated to the Director for Mutual Security: the Mutual Security Act of 1951, 65 Stat. 373 (Public Law 165, 82d Congress, approved October 10, 1951),² the Mutual Defense Assistance Act of 1949, 63 Stat. 714,³ as amended (22 U. S. C. 1571-1604), and the act of May 22, 1947, 61 Stat. 103, as amended (22 U. S. C. 1401-1408).

(b) There are hereby excluded from the functions delegated by section 1 (a) of this order:

(1) The functions conferred upon the President by the laws referred to in section 1 (a) of this Executive order with respect to the appointment of officers required to be appointed by and with the advice and consent of the Senate, the transmittal of annual, semi-annual, or other periodic statutory reports to the Congress, and the termination or withdrawal of assistance.

(2) The functions conferred upon the President with respect to findings, determinations, certification, agreements, or regulations, as the case may be, by sections 101, 202, 302 (a), or 511, or by the proviso of section 401, of the said Mutual Security Act of 1951 or by sections 303, 402, and 411 (b) of the said Mutual Defense Assistance Act of 1949, as amended; functions so conferred with respect to the transfer of funds under sections 101 (b), 303 (a), and 513 of the Mutual Security Act of 1951; and so much of the functions so conferred by section 5 of the said act of May 22, 1947, as amended, as relates to rules and regulations providing for coordination among representatives of the United States Government in each foreign country concerned.

(3) The functions conferred upon the President by sections 502 (c), 503, 507, and 530 of the said Mutual Security Act of 1951 and by sections 407 (b) (2) and 408 (f) of the said Mutual Defense Assistance Act of 1949, as amended.

¹ 16 *Fed. Reg.* 11203. The Executive order is entitled "Providing for the Administration of the Mutual Security Act of 1951 and Related Statutes".

² Also *supra*.

³ Also *A Decade of American Foreign Policy*, pp. 1356-1364.

(c) Funds appropriated or otherwise made available to the President to carry out the laws referred to in section 1 (a) hereof shall be deemed to be allocated to the Director for Mutual Security without any further action by the President, and the said funds may be allocated by the Director for Mutual Security to any agency, department, establishment, or wholly-owned corporation of the Government for obligation or expenditure thereby, consistent with applicable law, subject, however, to the reservation of functions respecting transfer of funds set forth in section 1 (b) (2) hereof.

(d) The functions delegated to the Director for Mutual Security by this section 1 shall be deemed to include the authority to redelegate the functions so delegated.

Sec. 2. *International development.* The administration of programs under the Act for International Development (Title IV of the act of June 5, 1950, 64 Stat. 204,¹ as amended (22 U. S. C. 1557 et seq.)) in accordance with Executive Order No. 10159 of September 8, 1950,² shall be subject to coordination, direction, and supervision by the Director for Mutual Security in accordance with section 501 (a) of the Mutual Security Act of 1951; and the said Executive Order No. 10159 is amended accordingly.

Sec. 3. *Coordination with foreign policy.* The Secretary of State and the Director for Mutual Security shall establish and maintain arrangements which will insure that the programs included in the Mutual Security Act of 1951 shall be carried out in conformity with the established foreign policy of the United States.

Sec. 4. *Interrelationship of Director and Secretary of Defense.* (a) Consonant with section 501 (a) of the Mutual Security Act of 1951, the Secretary of Defense shall exercise the responsibility and authority vested in him by section 506 (a) of the said Act subject to coordination, direction, and supervision by the Director for Mutual Security.

(b) The Secretary of Defense shall keep the Director for Mutual Security fully and currently informed of all matters, including prospective action, relating to the establishment of priorities under section 506 (b) and the furnishing of military items under section 506 (c) of the said Act.

Sec. 5. *Economic cooperation.* (a) December 30, 1951, is hereby fixed as the date on which sections 502 (a), 502 (b) (2) and 504 (b) of the Mutual Security Act of 1951 shall take effect.

(b) The Mutual Security Agency is hereby designated as the agency responsible for liquidating any outstanding affairs of the Economic Cooperation Administration which are now or hereafter required to be discontinued by law; and the said Agency shall be deemed to be the successor of the said Administration in all respects, subject to the provisions of the Mutual Security Act of 1951.

Sec. 6. *Transfer of personnel, property, records, and funds.* So much of the personnel, records, property, and unexpended balances of appropriations, allocations, and other funds of the Department of State as the Director of the Bureau of the Budget determines to relate

¹ Also *supra*, doc. 6.

² *Supra*, doc. 7.

to functions under the Mutual Defense Assistance Act of 1949, as amended, and the said act of May 22, 1947, and to be required by the Director for Mutual Security for the performance of his functions hereunder shall be transferred to the Director for Mutual Security.

Sec. 7. *Prior orders.* (a) Effective as of the date fixed in section 5 (a) hereof, with respect to provisions then in force, and except as may be inappropriate, references in prior Executive orders to the Economic Cooperation Administration, the Administrator for Economic Cooperation, and the United States Special Representative for (or in) Europe, are amended to refer to the Mutual Security Agency, the Director for Mutual Security, and the Special Representative in Europe (provided for in section 504 (a) of the Mutual Security Act of 1951), respectively.

(b) To the extent that any provision of any prior Executive order is inconsistent with the provisions of this order, the latter shall control and such prior provision is amended accordingly.

(c) All orders, regulations, rulings, certificates, directives, agreements, contracts, delegations, and other actions of any department, agency, or other establishment or officer of the Government relating to any function or under any authority continued in effect by the Mutual Security Act of 1951 shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked under proper authority.

(d) Executive Order No. 10099 of January 27, 1950,¹ is hereby revoked. The International Security Affairs Committee (approved by the President December 19, 1950) is hereby terminated. The provisions of the identical letters of the President transmitted to the Secretary of State and the Administrator for Economic Cooperation on April 5, 1951, are hereby revoked.

Sec. 8. *Definitions.* As used in this order the term "functions" embraces duties, powers, responsibilities, authority, and discretion.

HARRY S. TRUMAN.

11. COORDINATION OF FOREIGN AID PROGRAMS AT THE DIPLOMATIC MISSION LEVEL: Executive Order No. 10338, April 4, 1952²

By virtue of the authority vested in me by section 507 of the Mutual Security Act of 1951, 65 Stat. 373 (Public Law 165, 82nd Congress, approved October 10, 1951), and as President of the United States and Commander in Chief of the armed forces of the United States, it is ordered as follows:

Section 1. *Functions of the Chief of the United States Diplomatic Mission.* (a) The Chief of the United States Diplomatic Mission in each country, as the representative of the President, and acting on his behalf, shall coordinate the activities of the United States representa-

¹ *Supra*, doc. 2.

² 17 *Fed. Reg.* 3009.

tives (including the chiefs of economic missions, military assistance advisory groups, and other representatives of agencies of the United States Government) in such country engaged in carrying out programs under the Mutual Security Act of 1951 (hereinafter referred to as the Act), and he shall assume responsibility for assuring the unified development and execution of the said programs in such country. More particularly, the functions of each Chief of United States Diplomatic Mission shall include, with respect to the programs and country concerned:

(1) Exercising general direction and leadership of the entire effort.
(2) Assuring that recommendations and prospective plans and actions of the United States representatives are effectively coordinated and are consistent with and in furtherance of the established policy of the United States.

(3) Assuring that the interpretation and application of instructions received by the United States representatives from higher authority are in accord with the established policy of the United States.

(4) Guiding the United States representatives in working out measures to prevent duplication in their efforts and to promote the most effective and efficient use of all United States officers and employees having mutual security responsibilities.

(5) Keeping the United States representatives fully informed as to current and prospective United States policies.

(6) Prescribing procedures governing the coordination of the activities of the United States representatives, and assuring that these representatives shall have access to all available information essential to the accomplishment of their prescribed duties.

(7) Preparing and submitting such reports on the operation and status of the programs under the Act as may be directed by the Director for Mutual Security.

(b) Each Chief of United States Diplomatic Mission shall perform his functions under this order in accordance with instructions from higher authority and subject to established policies and programs of the United States.

(c) No Chief of United States Diplomatic Mission shall delegate any function conferred upon him by the provisions of this order which directly involves the exercise of direction, coordination, or authority.

Section 2. *Referral of unresolved matters.* The Chief of the United States Diplomatic Mission in each country shall initiate steps to reconcile any divergent views arising in the country concerned with respect to programs under the Act. If agreement cannot be reached the Chief of the United States Diplomatic Mission shall recommend a course of action, and such course of action shall be followed unless a United States representative requests that the issue be referred to higher authority for decision. If such a request is made, the parties concerned shall promptly refer the issue to higher authority for resolution prior to taking action at the country level. The Director for Mutual Security shall assure expeditious decisions on matters so submitted.

Section 3. *Effect of order on United States Representatives.* (a) All United States representatives in each country shall be subject to the

responsibilities imposed upon the Chief of the United States Diplomatic Mission in such country by section 507 of the Mutual Security Act of 1951 and by this order.

(b) Subject to compliance with the provisions of this order and with the prescribed procedures of their respective agencies, all United States representatives affected by this order (1) shall have direct communication with their respective agencies and with such other parties and in such manner as may be authorized by their respective agencies, (2) shall keep the respective Chiefs of United States Diplomatic Missions and each other fully and currently informed on all matters, including prospective plans, recommendations, and actions, relating to programs under the Act, and (3) shall furnish to the respective Chiefs of United States Diplomatic Missions, upon their request, documents and information concerning the said programs.

Section 4. *Further coordination procedures.* The Director for Mutual Security shall be responsible for assuring the carrying out of the provisions of this order. He is authorized to prescribe, after consultation with the interested Government agencies, any additional procedures he may find necessary to carry out the provisions of this order.

Section 5. *Prior orders.* (a) To the extent that provisions of any prior order are inconsistent with the provisions of this order, the latter shall control, and any such prior provisions are amended accordingly. All orders, regulations, rulings, certificates, directives, and other actions relating to any function affected by this order shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked under proper authority.

(b) Nothing in this order shall affect Executive Orders Nos. 10062, 10063 and 10144 of June 6, 1949, June 13, 1949, and July 21, 1950, respectively.¹

(c) Executive Orders Nos. 9857, 9862, 9864, 9914, 9944, 9960, 10208, and 10259 of May 22, 1947, May 31, 1947, May 31, 1947, December 26, 1947, April 9, 1948, May 19, 1948, January 25, 1951, and June 27, 1951, respectively, are hereby revoked.²

HARRY S. TRUMAN

12. ESTABLISHMENT OF THE FOREIGN OPERATIONS ADMINISTRATION: Reorganization Plan No. 7 of 1953, June 1, 1953³

SECTION 1. *Establishment of Foreign Operations Administration.*—

(a) There is hereby established a new agency which shall be known as the Foreign Operations Administration, hereinafter referred to as the "Administration".

(b) There shall be at the head of the Administration a Director of the Foreign Operations Administration, hereinafter referred to

¹ 14 Fed. Reg. 2965, 14 Fed. Reg. 3221, and 15 Fed. Reg. 4705.

² 12 Fed. Reg. 3331, 3558, 3559, 8867; 13 Fed. Reg. 1975 and 2707; and 16 Fed. Reg. 709 and 6271.

³ 67 Stat. 639. The plan entered into effect Aug. 1, 1953.

as the "Director". The Director shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate of \$22,500 a year. The Secretary of State shall advise with the President concerning the appointment and tenure of the Director.

(c) There shall be in the Administration a Deputy Director of the Foreign Operations Administration, who shall be appointed by the President by and with the advice and consent of the Senate, and who shall receive compensation at the rate of \$17,500 a year. The Deputy Director shall perform such functions as the Director shall from time to time designate, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of Director.

(d) There are hereby established in the Administration six new offices with such title or titles as the Director shall from time to time determine. Appointment thereto shall be by the President, by and with the advice and consent of the Senate. The compensation for each of two of the said offices shall be at the rate of \$16,000 a year and the compensation for each of the other four offices shall be at the rate of \$15,000 a year. The persons appointed to the said new offices shall perform such functions as the Director shall from time to time designate, and are authorized to act as Director, as the Director may designate, during the absence or disability of the Director and the Deputy Director or in the event of vacancies in the offices of Director and Deputy Director.

SEC. 2. *Transfer of functions to the Director.*—There are hereby transferred to the Director:

(a) All functions vested by the Mutual Security Act of 1951, as amended, or by any other statute in the Director for Mutual Security provided for in section 501 of that Act, or in the Mutual Security Agency created by that Act, or in any official or office of that Agency, including the functions of the Director for Mutual Security as a member of the National Security Council.

(b) All functions vested by the Mutual Defense Assistance Control Act of 1951 in the Administrator created by that Act.¹

(c) The function vested by section 6 of the Yugoslav Emergency Relief Assistance Act of 1950 in the Secretary of State.²

SEC. 3. *Institute of Inter-American Affairs.*—The Institute of Inter-American Affairs, together with its functions,³ is hereby transferred to the Administration. All functions vested by the Institute of Inter-American Affairs Act in the Secretary of State are hereby transferred to the Director. Functions with respect to serving as employees of the said Institute or as members of the board of directors thereof, including eligibility, as the case may be, to be detailed as such employees or to serve as such members, are hereby transferred from the officials and employees of the Department of State to the

¹ See *infra*, doc. 15.

² PL 897, 81st Cong., 2d sess., Dec. 29, 1950; 64 Stat. 1122.

³ See PL 369, 80th Cong., 1st sess., Aug. 5, 1947 (61 Stat. 780), as amended by PL 283, 81st Cong., 1st sess., Sept. 3, 1949 (63 Stat. 685).

officials and employees of the Administration. The Institute shall be administered subject to the direction and control of the Director.

SEC. 4. *National Advisory Council*.—The Director shall be a member of the National Advisory Council on International Monetary and Financial Problems (22 U. S. C. 286b).

SEC. 5. *Performance of functions transferred to the Director*.—The Director may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any employee or organizational entity, of the Administration, of any function of the Director, except the function of being a member of the National Security Council and the function of being a member of the National Advisory Council on International Monetary and Financial Problems.

SEC. 6. *Transfer of functions to the President*.—All functions vested in the Secretary of State by the United Nations Palestine Refugee Aid Act of 1950 ¹ are hereby transferred to the President.

SEC. 7. *Incidental transfers*.—(a) Personnel, property, records, and unexpended balances of appropriations, allocations, and other funds, employed, used, held, available, or to be made available in connection with functions transferred or vested by this reorganization plan shall be transferred, at such time or times as the Director of the Bureau of the Budget shall direct, as follows:

(1) So much of those relating to functions transferred to or vested in the Director or the Administration as the Director of the Bureau of the Budget shall determine shall be transferred to the Administration.

(2) Those of the Institute of Inter-American Affairs shall be transferred along with the Institute.

(3) So much of those relating to the functions transferred by section 6 hereof as the Director of the Bureau of the Budget shall determine shall be transferred to the agency or agencies of the Government to which the President delegates the said functions.

(b) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers provided for in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

SEC. 8. *Abolitions*.—(a) There are hereby abolished:

(1) The offices of Director for Mutual Security and Deputy Director for Mutual Security, provided for in sections 501 and 504, respectively, of the Mutual Security Act of 1951, as amended (including the organization in the Executive Office of the President known as the Office of the Director for Mutual Security).

(2) The Mutual Security Agency.

(3) The title of Administrator provided for in the Mutual Defense Assistance Control Act.

(4) The four positions provided for in section 406 (e) of the Mutual Defense Assistance Act of 1949, as amended.

¹ *Supra*, pp. 2256-2257.

(5) The offices of Administrator and Deputy Administrator for Technical Cooperation, provided for in section 413 (a) of the Act for International Development,¹ as amended, together with the functions vested in the Administrator by the said section 413 (a), as amended.

(6) The offices of the Special Representative in Europe and Deputy Special Representative in Europe, provided for in section 504 (a) of the Mutual Security Act of 1951, as amended. The abolition of the said offices of Representative and Deputy Representative shall become effective on September 1, 1953 (unless a later date is required by the provisions of section 6 (a) of the Reorganization Act of 1949,² as amended).

(b) The Director shall wind up any outstanding affairs of the aforesaid abolished agencies and offices not otherwise provided for in this reorganization plan.

SEC. 9. *Interim provisions.*—The President may authorize the persons who, immediately prior to the effective date of this reorganization plan, hold offices or occupy positions abolished by section 8 hereof to hold offices and occupy positions under section 1 hereof until the latter offices and positions are filled pursuant to the provisions of the said section 1 or by recess appointment, as the case may be, but in no event for any period extending more than 60 days after the said effective date, as follows:

(a) The Director and Deputy Director for Mutual Security as the Director and Deputy Director of the Foreign Operations Administration, respectively.

(b) The Administrator for Technical Cooperation and the person occupying the senior position provided for in section 406 (e) of the Mutual Defense Assistance Act of 1949, as amended, to serve in the two senior positions created by section 1 (d) hereof.

(c) The Deputy Administrator for Technical Cooperation and the persons occupying the three positions provided for in section 406 (e) of the Mutual Defense Assistance Act of 1949, as amended, to serve in the four positions created by section 1 (d) hereof which have compensation at the rate of \$15,000 a year.

13. ADMINISTRATION OF CERTAIN ELEMENTS OF THE MUTUAL SECURITY PROGRAM: Executive Order No. 10458, June 1, 1953³

By virtue of the authority vested in me by the Mutual Security Act of 1951, as amended, the Act for International Development,⁴ as amended, and sections 301 to 303, inclusive, of title 3 of the United

¹ *Supra*, doc. 6.

² PL 109, 81st Cong., 1st sess., June 20, 1949; 63 Stat. 203.

³ 18 *Fed. Reg.* 3159. The title of the executive order reads "Providing for the Administration of Certain Foreign Aid Programs and Related Activities."

⁴ *Supra*, doc. 6.

States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. *International development.* (a) The functions conferred upon the Secretary of State by Executive Order No. 10159 of September 8, 1950, 15 F. R. 6103,¹ are hereby transferred to the Director for Mutual Security; and, accordingly, the said Executive order is amended by striking therefrom, wherever they appear, the words "Secretary of State" and inserting in lieu thereof, in each instance, the words "Director for Mutual Security".

(b) The Technical Cooperation Administration is hereby transferred from the Department of State to the jurisdiction of the Director for Mutual Security and shall be administered under his direction and supervision.

SEC. 2. *Participation in certain international organizations.* There are hereby delegated to the Director for Mutual Security the functions conferred upon the President by section 534 of the Mutual Security Act of 1951, as amended, section 12 of the Mutual Security Act of 1952, and section 303 of the Mutual Security Act of 1951, as amended, with respect to the Intergovernmental Committee for European Migration (as the successor of the Provisional Intergovernmental Committee for the Movement of Migrants from Europe); the United Nations International Children's Emergency Fund, and the United Nations Korean Reconstruction Agency, respectively.

SEC. 3. *Ocean freight charges on relief supplies, etc.* The Mutual Security Agency is hereby designated as the agency of the Government which shall hereafter exercise the authority to pay ocean freight charges on shipments of relief supplies and packages under section 117 (c) of the Economic Cooperation Act of 1948, as amended,² and section 535 of the Mutual Security Act of 1951, as amended.

SEC. 4. *Functions of Secretary of State and Department of State.* (a) Nothing in this order shall be deemed to modify the functions of the Secretary of State with respect to conducting negotiations with other governments.

(b) The Secretary of State and the Director for Mutual Security shall establish and maintain arrangements which will insure that the functions of the said Director under this order shall be carried out in conformity with the established foreign policy of the United States.

(c) The Secretary of State shall be responsible for making the United States contributions, under subsections (a) and (b) of section 404 of the Act for International Development, to the United Nations for technical cooperation programs carried on by it and its related organizations, and to the Organization of American States, its related organizations, and other international organizations for technical cooperation programs carried on by them, and for making United States contributions to the international organizations referred to in section 2 hereof. The Secretary of State shall also be responsible for formulating and presenting, with the assistance of the Director for Mutual Security, the policy of the United States with respect

¹ *Supra*, doc. 7.

² *A Decade of American Foreign Policy*, pp. 1299-1327.

to the assistance programs of the international organizations referred to in this subsection and in section 2 hereof and for representing the United States in those organizations. Sections 1 (a) and 2 hereof shall be subject to this subsection.

(d) The Director for Mutual Security shall allocate to the Department of State funds which have been or may be appropriated or otherwise made available for contributions of the United States to the international organizations referred to in section 2 hereof or to those receiving contributions under subsections (a) and (b) of section 404 of the Act for International Development.

SEC. 5. *Miscellaneous provisions.* (a) Subsection (a) of section 2 and sections 3 and 4 of Executive Order No. 10300 of November 1, 1951,¹ as amended by Executive Order No. 10368 of June 30, 1952,² are hereby revoked.

(b) There shall be transferred to the jurisdiction of the Director for Mutual Security, consonant with law, so much as the Director of the Bureau of the Budget shall determine of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds, employed, held, used, available, or to be made available in connection with the functions transferred, delegated, or assigned to the Director for Mutual Security or the Mutual Security Agency by this order. Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers provided for in this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(c) To the extent that any provision of any prior Executive order is inconsistent with the provisions of this order, the latter shall control and such prior provision is amended accordingly.

(d) All orders, regulations, rulings, certificates, directives, agreements, contracts, delegations, determinations, and other actions of any officer or agency of the Government relating to any function affected by this order shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked under proper authority.

DWIGHT D. EISENHOWER

14. REVISED ADMINISTERING AUTHORITY UNDER THE MUTUAL SECURITY ACT OF 1951, AS AMENDED: Executive Order No. 10476, August 1, 1953³

By virtue of the authority vested in me by the statutes referred to in section 101 of this order, and by section 301 of title 3 of the United States Code and Reorganization Plans Nos. 7⁴ and 8⁵ of 1953, and as

¹ *Supra*, doc. 10.

² 17 *Fed. Reg.* 5929.

³ 18 *Fed. Reg.* 4537. The title of the executive order reads "Administration of Foreign Aid and Foreign Information Functions."

⁴ *Supra*, doc. 12.

⁵ *Infra*, pp. 3184-3186.

President of the United States and Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

PART I. FOREIGN AID

SECTION 101. *Delegation of certain functions of the President*

(a) Except as otherwise provided in this order, the functions conferred upon the President by the following-designated laws are hereby delegated to the Director of the Foreign Operations Administration: the Mutual Security Act of 1951, 65 Stat. 373, as amended; the Mutual Defense Assistance Act of 1949, 63 Stat. 714, as amended (22 U. S. C. 1571-1604); the act of May 22, 1947, 61 Stat. 103, as amended (22 U. S. C. 1401-1408); the Mutual Defense Assistance Control Act of 1951, 65 Stat. 644 (22 U. S. C. 1611-1613c); and those provisions of the Economic Cooperation Act of 1948, 62 Stat. 137, as amended (22 U. S. C. 1501 et seq.) which are continued in effect by section 503 of the Mutual Security Act of 1951, as amended.

(b) There are hereby excluded from the functions delegated by section 101 (a) of this order:

(1) The functions conferred upon the President by the laws referred to in section 101 (a) of this order with respect to the appointment of officers required to be appointed by and with the advice and consent of the Senate, the transmittal of periodic or special reports to the Congress, and the termination or withdrawal of assistance.

(2) The functions conferred upon the President with respect to findings, determinations, certification, agreements, transfers of funds, or directives, as the case may be, by sections 101 (a) (1), 101 (b), 202, 302 (a), 303 (a) (last two sentences), 401, 503 (a) (3), 507 (except as provided in Part III hereof), 511, 513, 530, 532, 540, 542, 550 (b), and 550 (e) of the Mutual Security Act of 1951, as amended; sections 303, 402, 407 (b) (2), 408 (f), and 411 (b) of the Mutual Defense Assistance Act of 1949, as amended; sections 105 (c), 111 (b) (2) (first clause), and 119 of the Economic Cooperation Act of 1948, as amended; and sections 103 (b), 104, 203, and 301 of the Mutual Defense Assistance Control Act of 1951.

(c) Funds which have been or may be appropriated or otherwise made available to the President to carry out the laws referred to in section 101 (a) hereof, and section 12 of the Mutual Security Act of 1952 (66 Stat. 151), shall be deemed to be allocated to the Director of the Foreign Operations Administration without any further action by the President, and the said funds may be allocated by the Director of the Foreign Operations Administration to any agency, department, establishment, or wholly-owned corporation of the Government for obligation or expenditure thereby, consistent with applicable law, subject, however, to the reservation of functions relating to transfer of funds set forth in section 101 (b) (2) hereof.

SEC. 102. *Interrelationship of Director and Secretary of Defense.*

(a) Consonant with section 501 (a) of the Mutual Security Act of 1951, as amended, the Secretary of Defense shall exercise the responsibility and authority vested in him by section 506 (a) of the said Act,

as amended, subject to coordination, direction, and supervision by the Director of the Foreign Operations Administration.

(b) The Secretary of Defense shall keep the Director of the Foreign Operations Administration fully and currently informed of all matters, including prospective action, relating to the establishment of priorities under section 506 (b) and the furnishing of military items under section 506 (c) of the Mutual Security Act of 1951, as amended.

SEC. 103. *Aid to Palestine refugees.* (a) Subject to subsection (b) of this section, the functions transferred to the President by section 6 of the Reorganization Plan No. 7 of 1953 are hereby delegated to the Director of the Foreign Operations Administration.

(b) The Secretary of State shall be responsible for making the United States contribution to the United Nations under the United Nations Palestine Refugee Aid Act of 1950.¹ The Secretary of State shall also be responsible for formulating and presenting, with the assistance of the Director of the Foreign Operations Administration, the policy of the United States with respect to aid to Palestine refugees and for representing the United States in the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

SEC. 104. *Successor agencies.* (a) Except as may be otherwise provided in this order, the Foreign Operations Administration and the Director of the Foreign Operations Administration are hereby made the successors, respectively, of the Mutual Security Agency and the Director for Mutual Security.

(b) Except in instances wherein the provisions concerned are for any reason inapplicable as of the effective date of Reorganization Plan No. 7 of 1953,² each reference in any prior Executive order to the Mutual Security Agency or the Director for Mutual Security is hereby amended to refer to the Foreign Operations Administration and the Director of the Foreign Operations Administration, respectively.

(c) Without limiting the application of section 104 (b) of this order, the amendments made thereby shall apply, subject to the provisions of the said section 104 (b), to prior references to the Director for Mutual Security and the Mutual Security Agency in (1) Executive Order No. 10159 of September 8, 1950 (15 F. R. 6103),³ as amended, (2) sections 7 and 9 of Executive Order No. 10300 of November 9, 1951 (16 F. R. 11203),⁴ as amended, (3) Executive Order No. 10380 of August 2, 1952 (17 F. R. 7107), and (4) Executive Order No. 10458 of June 1, 1953 (18 F. R. 3159).⁵

SEC. 105. *Redelegation.* The functions delegated to the Director of the Foreign Operations Administration by the provisions of this Part shall be deemed to include the authority to redelegate the functions so delegated.

¹ *Supra*, pp. 2256-2257.

² I.e., Aug. 1, 1953.

³ *Supra*, doc. 7.

⁴ *Supra*, doc. 10.

⁵ *Supra*.

PART II. FOREIGN INFORMATION

SEC. 201. *Informational media guaranties.* The United States Information Agency¹ is hereby designated as the agency of the Government which shall on and after the effective date of this order exercise the authority to make informational media guaranties under section 111 (b) (3) of the Economic Cooperation Act of 1948, as amended (22 U. S. C. 1509 (b) (3)), and section 536 of the Mutual Security Act of 1951, as amended, and to administer such guaranties made prior to the effective date of this order. The Director of the Foreign Operations Administration, after consultation with the Director of the United States Information Agency, shall fix (and may from time to time revise) an amount representing that portion of the limitation prescribed by section 111 (b) (3) of the Economic Cooperation Act of 1948, as amended, which may be utilized by the Director of the United States Information Agency for informational media guaranties, including the liquidation of obligations outstanding under such guaranties as of the effective date of this order.

SEC. 202. *Information regarding technical cooperation.* The United States Information Agency shall publicize abroad the activities carried on under the Act for International Development.² Executive Order No. 10159 of September 8, 1950 (15 F. R. 6103), as amended, is hereby further amended accordingly.

PART III. PROCEDURES FOR COORDINATION ABROAD

SEC. 301. *Functions of the Chief of the United States Diplomatic Mission.* (a) The Chief of the United States Diplomatic Mission in each country, as the representative of the President, shall serve as the channel of authority on foreign policy and shall provide foreign policy direction to all representatives of United States agencies in such country.

(b) The Chief of the United States Diplomatic Mission in each country, as the representative of the President and acting on his behalf, shall coordinate the activities of the representatives of United States agencies (including the chiefs of economic and technical assistance missions, military assistance advisory groups, foreign information staffs, and other representatives of agencies of the United States Government) in such country engaged in carrying out programs under the Mutual Security Act of 1951, as amended, programs under the Mutual Defense Assistance Control Act of 1951, and the programs transferred by section 2 of Reorganization Plan No. 8 of 1953;³ and he shall assume responsibility for assuring the unified development and execution of the said programs in such country. More particularly, the functions of each Chief of United States Diplomatic Mission shall include, with respect to the programs and country concerned:

(1) Exercising general direction and leadership of the entire effort.

¹ For the establishment of the United States Information Agency, see *infra*, pp. 3184-3186.

² *Supra*, doc. 6.

³ *Infra*, pp. 3184-3185.

(2) Assuring that recommendations and prospective plans and actions of representatives of United States agencies are effectively coordinated and are consistent with and in furtherance of the established policy of the United States.

(3) Assuring that the interpretation and application of instructions received by representatives of United States agencies from higher authority are in accord with the established policy of the United States.

(4) Guiding the representatives of United States agencies in working out measures to prevent duplication in their efforts and to promote the most effective and efficient use of all United States officers and employees engaged on the aforesaid programs.

(5) Keeping the representatives of United States agencies fully informed as to current and prospective United States policies.

(6) Prescribing procedures governing the coordination of the activities of representatives of United States agencies, and assuring that these representatives shall have access to all available information essential to the accomplishment of their prescribed duties.

(7) Preparing and submitting such reports on the operation and status of the programs referred to in the preamble of this section 301 (b) as may be requested of the Secretary of State by the Director of the Foreign Operations Administration and the Director of the United States Information Agency, respectively.

(8) Recommending the withdrawal from the country of United States personnel whenever in his opinion the interests of the United States warrant such action.

(c) Each Chief of United States Diplomatic Mission shall perform his functions under this Part in accordance with instructions from higher authority and subject to established policies and programs of the United States. Only the President and the Secretary of State shall communicate instructions directly to the Chief of the United States Diplomatic Mission.

(d) No Chief of United States Diplomatic Mission shall delegate any function conferred upon him by the provisions of this Part which directly involves the exercise of direction, coordination, or authority.

SEC. 302. *Referral of unresolved matters.* The Chief of the United States Diplomatic Mission in each country shall initiate steps to reconcile any divergent views arising between representatives of United States agencies in the country concerned with respect to programs referred to in the preamble of section 301 (b) hereof. If agreement cannot be reached the Chief of the United States Diplomatic Mission shall recommend a course of action, and such course of action shall be followed unless a representative of a United States agency requests that the issue be referred to the Secretary of State and the United States agencies concerned for decision. If such a request is made, the parties concerned shall promptly refer the issue for resolution prior to taking action at the country level.

SEC. 303. *Effect of order on representatives of United States agencies.*

(a) All representatives of United States agencies in each country

shall be subject to the responsibilities imposed upon the Chief of the United States Diplomatic Mission in such country by section 507 of the Mutual Security Act of 1951, as amended, and by this Part.

(b) Subject to compliance with the provisions of this Part and with the prescribed procedures of their respective agencies, all representatives of United States agencies affected by this Part (1) shall have direct communication with their respective agencies and with such other parties and in such manner as may be authorized by their respective agencies, (2) shall keep the respective Chiefs of United States Diplomatic Missions and each other fully and currently informed on all matters, including prospective plans, recommendations, and actions, relating to the programs referred to in the preamble of section 301 (b) hereof, and (3) shall furnish to the respective Chiefs of United States Diplomatic Missions, upon their request, documents and information concerning the said programs.

PART IV. GENERAL PROVISIONS

SEC. 401. *Coordination of foreign policy.* The Secretary of State, the Director of the Foreign Operations Administration, and the Director of the United States Information Agency shall establish and maintain arrangements which will insure that the programs under the supervision of the latter two officials are carried out in conformity with the established foreign policy of the United States.

SEC. 402. *Transfer of personnel, property, records, and funds.* So much of the personnel, records, property, and unexpended balances of appropriations, allocations, and other funds, available to any officer or agency whereto there is delegated or assigned immediately prior to the taking effect of this Executive order any function which by this order is otherwise delegated or assigned, as the Director of the Bureau of the Budget determines to relate to the said functions and to be required by the officer or agency whereto the functions concerned are delegated or assigned by this order, for the performance thereof, shall be transferred, consonant with law, to such latter officer or agency. Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers provided for in this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

SEC. 403. *Prior orders and actions.* (a) Executive Order No. 10300 of November 9, 1951 (16 F. R. 11203), as amended, exclusive of sections 7 and 9 thereof, and Executive Order No. 10338 of April 4, 1952 (17 F. R. 3009), are hereby superseded.

(b) Nothing in this order shall affect Executive Order No. 10062 of June 6, 1949,¹ as heretofore amended.

(c) To the extent that any provision of any prior Executive order is inconsistent with the provisions of this order, the latter shall control and such prior provision is amended accordingly.

(d) All orders, regulations, rulings, certificates, directives, agree-

¹ 14 Fed. Reg. 2965.

nts, contracts, delegations, determinations, and other actions of
y officer or agency of the Government relating to any function
ected by this order shall remain in effect except as they are incon-
ent herewith or are hereafter amended or revoked under proper
hority.

Sec. 404. *Definition.* As used in this order, the word "functions"
braces duties, powers, responsibilities, authority, and discretion.

Sec. 405. *Effective date.* This order shall become effective on
gust 1, 1953.

DWIGHT D. EISENHOWER

MUTUAL DEFENSE ASSISTANCE CONTROL PRO- GRAM, 1951-1955

**MUTUAL DEFENSE ASSISTANCE CONTROL ACT OF 1951
(BATTLE ACT):** Public Law 213 (82d Congress, 1st Session),
October 26, 1951¹

*Be it enacted by the Senate and House of Representatives of the
ited States of America in Congress assembled, That this Act may be
cited as the "Mutual Defense Assistance Control Act of 1951".*

TITLE I—WAR MATERIALS

Sec. 101. The Congress of the United States, recognizing that in a
rld threatened by aggression the United States can best preserve
d maintain peace by developing maximum national strength and by
lizing all of its resources in cooperation with other free nations,
eby declares it to be the policy of the United States to apply an
argo on the shipment of arms, ammunition, and implements of
r, atomic energy materials, petroleum, transportation materials of
ategic value, and items of primary strategic significance used in the
duction of arms, ammunition, and implements of war to any nation
ombination of nations threatening the security of the United
tes, including the Union of Soviet Socialist Republics and all coun-
s under its domination, in order to (1) increase the national

PL 213, 82d Cong. (65 Stat. 644); 22 U. S. C. 1611. Section 2 (b) of Reor-
ization Plan No. 7 of 1953 (effective Aug. 1, 1953; *supra*, doc. 12) transferred
he Director of the Foreign Operations Administration all functions vested by
Mutual Defense Assistance Control Act of 1951 in the Administrator created
that act. Subsequently, the functions under the act were transferred to the
retary of State by sec. 101 of Ex. Or. No. 10610 (*infra*, doc. 19). The Secre-
y of State then redelegated his authority (Department of State Delegation of
hority No. 85, June 30, 1955, 20 *Fed. Reg.* 4825, as amended by No. 85-1, Oct.
1955, 20 *Fed. Reg.* 7950) to the Director of the International Cooperation
ministration but provided that the Director shall carry out the functions
nder the direction and control of the Secretary of State".

strength of the United States and of the cooperating nations; (2) impede the ability of nations threatening the security of the United States to conduct military operations; and (3) to assist the people of the nations under the domination of foreign aggressors to reestablish their freedom.

It is further declared to be the policy of the United States that no military, economic, or financial assistance shall be supplied to any nation unless it applies an embargo on such shipments to any nation or combination of nations threatening the security of the United States, including the Union of Soviet Socialist Republics and all countries under its domination.

This Act shall be administered in such a way as to bring about the fullest support for any resolution of the General Assembly of the United Nations, supported by the United States, to prevent the shipment of certain commodities to areas under the control of governments engaged in hostilities in defiance of the United Nations.

SEC. 102. Responsibility for giving effect to the purposes of this Act shall be vested in the person occupying the senior position authorized by subsection (e) of section 406 of the Mutual Defense Assistance Act of 1949, as amended,¹ or in any person who may hereafter be charged with principal responsibility for the administration of the provisions of the Mutual Defense Assistance Act of 1949. Such person is hereinafter referred to as the "Administrator."

SEC. 103. (a) The Administrator is hereby authorized and directed to determine within thirty days after enactment of this Act after full and complete consideration of the views of the Departments of State, Defense, and Commerce; the Economic Cooperation Administration; and any other appropriate agencies, and notwithstanding the provisions of any other law, which items are, for the purpose of this Act, arms, ammunition, and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, and those items of primary strategic significance used in the production of arms, ammunition, and implements of war which should be embargoed to effectuate the purposes of this Act: *Provided*, That such determinations shall be continuously adjusted to current conditions on the basis of investigation and consultation, and that all nations receiving United States military, economic, or financial assistance shall be kept informed of such determinations.

(b) All military, economic, or financial assistance to any nation shall, upon the recommendation of the Administrator, be terminated forthwith if such nation after sixty days from the date of a determination under section 103 (a) knowingly permits the shipment to any nation or combination of nations threatening the security of the United States, including the Union of Soviet Socialist Republics and all countries under its domination, of any item which he has determined under section 103 (a) after a full and complete investigation

¹ *A Decade of American Foreign Policy*, p. 1362.

to be included in any of the following categories: Arms, ammunition, and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, and items of primary strategic significance used in the production of arms, ammunition, and implements of war: *Provided*, That the President after receiving the advice of the Administrator and after taking into account the contribution of such country to the mutual security of the free world, the importance of such assistance to the security of the United States, the strategic importance of imports received from countries of the Soviet bloc, and the adequacy of such country's controls over the export to the Soviet bloc of items of strategic importance, may direct the continuance of such assistance to a country which permits shipments of items other than arms, ammunition, implements of war, and atomic energy materials when unusual circumstances indicate that the cessation of aid would clearly be detrimental to the security of the United States: *Provided further*, That the President shall immediately report any determination made pursuant to the first proviso of this section with reasons therefor to the Appropriations and Armed Services Committees of the Senate and of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, and the President shall at least once each quarter review all determinations made previously and shall report his conclusions to the foregoing committees of the House and Senate, which reports shall contain an analysis of the trade with the Soviet bloc of countries for which determinations have been made.

SEC. 104. Whenever military, economic, or financial assistance has been terminated as provided in this Act, such assistance can be resumed only upon determination by the President that adequate measures have been taken by the nation concerned to assure full compliance with the provisions of this Act.

SEC. 105. For the purposes of this Act the term "assistance" does not include activities carried on for the purpose of facilitating the procurement of materials in which the United States is deficient.

TITLE II—OTHER MATERIALS

SEC. 201. The Congress of the United States further declares it to be the policy of the United States to regulate the export of commodities other than those specified in Title I of this Act to any nation or combination of nations threatening the security of the United States, including the Union of Soviet Socialist Republics and all countries under its domination, in order to strengthen the United States and other cooperating nations of the free world and to oppose and offset by nonmilitary action acts which threaten the security of the United States and the peace of the world.

SEC. 202. The United States shall negotiate with any country receiving military, economic, or financial assistance arrangements for the recipient country to undertake a program for controlling exports

of items not subject to embargo under Title I of this Act, but which in the judgment of the Administrator should be controlled to any nation or combination of nations threatening the security of the United States, including the Union of Soviet Socialist Republics and all countries under its domination.

SEC. 203. All military, economic, and financial assistance shall be terminated when the President determines that the recipient country (1) is not effectively cooperating with the United States pursuant to this title, or (2) is failing to furnish to the United States information sufficient for the President to determine that the recipient country is effectively cooperating with the United States.

TITLE III—GENERAL PROVISIONS

SEC. 301. All other nations (those not receiving United States military, economic, or financial assistance) shall be invited by the President to cooperate jointly in a group or groups or on an individual basis in controlling the export of the commodities referred to in Title I and Title II of this Act to any nation or combination of nations threatening the security of the United States, including the Union of Soviet Socialist Republics and all countries under its domination.

SEC. 302. The Administrator with regard to all titles of this Act shall—

(a) coordinate those activities of the various United States departments and agencies which are concerned with security controls over exports from other countries;

(b) make a continuing study of the administration of export control measures undertaken by foreign governments in accordance with the provisions of this Act, and shall report to the Congress from time to time but not less than once every six months recommending action where appropriate; and

(c) make available technical advice and assistance on export control procedures to any nation desiring such cooperation.

SEC. 303. The provisions of subsection (a) of section 403, of section 404, and of subsection (c) and (d) of section 406 of the Mutual Defense Assistance Act of 1949 (Public Law 329, Eighty-first Congress), as amended, insofar as they are consistent with this Act, shall be applicable to this Act. Funds made available for the Mutual Defense Assistance Act of 1949, as amended, shall be available for carrying out this Act in such amounts as the President shall direct.

SEC. 304. In every recipient country where local currency is made available for local currency expenses of the United States in connection with assistance furnished by the United States, the local currency administrative and operating expenses incurred in the administration of this Act shall be charged to such local currency funds to the extent available.

SEC. 305. Subsection (d) of section 117 of the Foreign Assistance Act of 1948 (Public Law 472, Eightieth Congress),¹ as amended, and

¹ *A Decade of American Foreign Policy*, p. 1318.

subsection (a) of section 1302 of the Third Supplemental Appropriation Act, 1951 (Public Law 45, Eighty-second Congress),¹ are repealed.

F. MUTUAL SECURITY PROGRAM, 1954-1955

16. MUTUAL SECURITY ACT OF 1954, AS AMENDED BY THE MUTUAL SECURITY ACT OF 1955: Public Law 665 (83d Congress, 2d Session), August 26, 1954; Amended by Public Law 138 (84th Congress, 1st Session), July 8, 1955 (Excerpts)²

AN ACT To promote the security and foreign policy of the United States by furnishing assistance to friendly nations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mutual Security Act of 1954".

TITLE I—MUTUAL DEFENSE ASSISTANCE

CHAPTER 1. MILITARY ASSISTANCE

SEC. 101. PURPOSE OF CHAPTER.—The Congress of the United States reaffirms the policy of the United States to achieve international peace and security through the United Nations so that armed force shall not be used except in the common defense. The Congress hereby finds that the efforts of the United States and other nations to promote peace and security require additional measures of support based upon the principle of continuous and effective self-help and mutual aid. It is the purpose of this chapter to authorize measures in the common defense, including the furnishing of military assistance to friendly nations and international organizations in order to promote the foreign policy, security, and general welfare of the United States and to facilitate the effective participation of such nations in

¹ Act of June 2, 1951; 65 Stat. 63. Section 1302 (a), popularly known as the Kem Amendment, provided that, during the period in which Armed Forces of the U.S. are engaged in hostilities while carrying out any decision of the Security Council of the United Nations, no economic or financial assistance should be furnished under the Economic Cooperation Act of 1948, as amended, to any country permitting exportation of items of military value to the U.S.S.R. or its satellites, including Communist China and Communist North Korea, unless such exportation should be certified to be in the security interest of the U.S. by the National Security Council.

² PL 665, 83d Cong. (68 Stat. 832), approved Aug. 26, 1954, as amended by PL 138, 84th Cong. (69 Stat. 283), approved July 8, 1955; *Mutual Security Legislation and Related Documents*, International Cooperation Administration, Dec. 29, 1955, pp. 1-39. For the sake of brevity, certain footnotes in the ICA print which do not relate specifically to the basic purposes of the acts have been deleted. The footnotes remaining throughout this document are from the ICA print, except as otherwise indicated.

arrangements for individual and collective self-defense. In furnishing such military assistance, it remains the policy of the United States to continue to exert maximum efforts to achieve universal control of weapons of mass destruction and universal regulation and reduction of armaments, including armed forces, under adequate safe-guards to protect complying nations against violation and evasion.

The Congress reaffirms its previous expressions favoring the creation by the free peoples of the Far East and the Pacific of a joint organization, consistent with the Charter of the United Nations, to establish a program of self-help and mutual cooperation designed to develop their economic and social well-being, to safeguard basic rights and liberties and to protect their security and independence.

The Congress hereby reiterates its opposition to the seating in the United Nations of the Communist China regime as the representative of China.¹ In the event of the seating of representatives of the Chinese Communist regime in the Security Council or General Assembly of the United Nations, the President is requested to inform the Congress insofar as is compatible with the requirements of national security, of the implications of this action upon the foreign policy of the United States and our foreign relationships, including that created by membership in the United Nations, together with any recommendations which he may have with respect to the matter.

SEC. 102. GENERAL AUTHORITY.—Military assistance may be furnished under this chapter on a grant or loan basis and upon such other appropriate terms as may be agreed upon, by the procurement from any source and the transfer to eligible nations and international organizations of equipment, materials, and services or by the provision of any service, including the assignment or detail of members of the Armed Forces and other personnel of the Department of Defense solely to assist in an advisory capacity or to perform other duties of a non-combatant nature, including military training or advice.²

SEC. 103. AUTHORIZATIONS.—(a) (1)³ There is hereby authorized to be appropriated to the President, in addition to appropriations authorized by section 104, not to exceed \$1,270,000,000 to carry out the purpose of this chapter; and, in addition, unexpended balances of appropriations for military assistance under each paragraph of the Mutual Security Appropriation Act, 1954 (including the appropriation for mutual special weapons planning), are hereby authorized to be continued available for the purpose of this chapter and to be consolidated with the appropriation authorized by this subsection, all of which is hereby authorized to be continued available through June 30, 1955.

¹ Section 12 of the Mutual Security Act of 1955, 69 Stat. 290, provides: "It is hereby declared to be the continuing sense of the Congress that the Communist regime in China has not demonstrated its willingness to fulfill the obligations contained in the Charter of the United Nations and should not be recognized to represent China in the United Nations."

² See also the Act of May 19, 1926, as amended, 44 Stat. 565, 10 U.S.C. § 540, 34 U.S.C. § 541a.

³ Paragraph designation "(1)" was added by sec. 2 (a) of the Mutual Security Act of 1955.

(2)¹ In addition, there is hereby authorized to be appropriated to the President to carry out the purposes of this chapter not to exceed \$1,133,000,000, to remain available until expended.

(b) Funds made available pursuant to subsection (a) of this section shall be available for the administrative and operating expenses of carrying out the purpose of this chapter and of section 124² including expenses incident to United States participation in international security organizations.

(c)³ When appropriations made pursuant to subsection (a) of this section are used to furnish military assistance on terms of repayment within ten years or earlier such assistance may be furnished, notwithstanding sections 105, 141, and 142, to nations eligible to purchase military equipment, materials, and services under section 106.

SEC. 104. INFRASTRUCTURE.—(a) The President is authorized to make contributions to infrastructure programs of the North Atlantic Treaty Organization, in accordance with agreements already made between the member nations, out of funds made available pursuant to this section, or section 103, or chapter IX of the Supplemental Appropriation Act, 1953, of amounts totaling not more than \$780,000,000, less amounts already contributed for such purpose. There is hereby authorized to be appropriated to the President for such purpose, in installments prior to June 30, 1958, not to exceed \$321,000,000, to remain available until expended. Such contributions by the United States shall not exceed its proportionate share, as heretofore agreed upon, of the expenses of such programs.

(b) When the President determines that it is in the interest of the security of the United States to participate in programs for the acquisition or construction of facilities in foreign nations for collective defense other than programs of the North Atlantic Treaty Organization, he may use for such purpose funds made available under section 103 or local currencies made available under section 402 in amounts totaling not more than \$50,000,000.

(c) Notwithstanding section 501 of this Act, no funds other than

¹ This paragraph was added by sec. 2 (a) of the Mutual Security Act of 1955.

² Words "and of section 124" were added by sec. 2 (b) of the Mutual Security Act of 1955.

³ This subsection was substituted, by sec. 2 (c) of the Mutual Security Act of 1955, for repealed sec. 103 (c) which read as follows:

"(c) Funds made available pursuant to subsection (a) of this section may be used for the procurement of equipment or materials outside the United States unless the President determines that such procurement will result in one or more of the following conditions:

(1) Adverse effects upon the economy of the United States, with special reference to any areas of labor surplus, or upon the industrial mobilization base, which outweigh the strategic and logistic advantages to the United States of procurement abroad;

(2) Production of such equipment or materials outside the United States under inadequate safeguards against sabotage or the release to potential enemies of information detrimental to the security of the United States;

(3) Unjustifiable cost in comparison with procurement in the United States, taking into account transportation costs for delivery overseas; and

(4) Delays in delivery incompatible with United States defense objectives."

those referred to in subsections (a) and (b) of this section may be expended for the purposes of this section. No funds shall be expended under this section for rental or purchase of land or for payment of taxes.

SEC. 105. CONDITIONS APPLICABLE TO MILITARY ASSISTANCE.—(a) Military assistance may be furnished under this chapter to any nation whose increased ability to defend itself the President shall have determined to be important to the security of the United States and which is otherwise eligible to receive such assistance. Equipment and materials furnished under this chapter shall be made available solely to maintain the internal security and legitimate self-defense of the recipient nation, or to permit it to participate in the defense of its area or in collective security arrangements and measures consistent with the Charter of the United Nations. The President shall be satisfied that such equipment and materials will not be used to undertake any act of aggression against any nation.

(b) In addition to the authority and limitations contained in the preceding subsection, the following provisions shall apply to particular areas:

(1)¹ The Congress welcomes the recent progress in European cooperation and reaffirms its belief in the necessity of further efforts toward political federation, military integration, and economic unification as a means of building strength, establishing security, and preserving peace in the North Atlantic area. In order to provide further encouragement to such efforts, the Congress believes it essential that this Act should be so administered as to support concrete measures to promote greater political federation, military integration, and economic unification in Europe.

(2) Military assistance furnished to any nation in the Near East and Africa² to permit it to participate in the defense of its area shall be furnished only in accordance with plans and arrangements which shall have been found by the President to require the recipient nation to take an important part therein.

(3) In furnishing military assistance in Asia³ and in carrying out the provisions of section 121 of this Act, the President shall

¹ This paragraph was amended by sec. 2(d) of the Mutual Security Act of 1955; it formerly read as follows:

“(1) In order to promote an integrated defense of the North Atlantic area and to support concrete measures for political federation, military integration, and economic unification in Europe, equipment and materials of the value programmed for fiscal years 1954 and 1955 for nations signing the treaty constituting the European Defense Community shall, pending the coming into force of the treaty, be delivered only to such of these nations as have ratified the treaty, and have joined together in or are developing collective defense programs in a manner satisfactory to the United States as determined by the President.”

² Sec. 2 (c) of the Mutual Security Act of 1955 amended this paragraph by striking out the former “Near East, Africa, and South Asia” and inserting, in lieu thereof, “Near East and Africa.”

³ Sec. 2 (e) of the Mutual Security Act of 1955 amended this paragraph by striking out the former “the Far East and the Pacific” and inserting, in lieu thereof, “Asia.”

ve the fullest assistance, as far as possible directly, to the free peoples in that area, including the Associated States of Cambodia, Laos, and Vietnam, in their creation of a joint organization, consistent with the Charter of the United Nations, to establish a program of self-help and mutual cooperation designed to develop their economic and social well-being, to safeguard basic rights and liberties, and to protect their security and independence.

(4) Military assistance may be furnished to the other American republics only in accordance with defense plans which shall have been found by the President to require the recipient nation to participate in missions important to the defense of the Western Hemisphere.

The Secretary of Defense shall insure that the value (as determined pursuant to section 545) of equipment, materials, and services heretofore furnished under military assistance programs authorized by Acts repealed by this Act or hereafter furnished pursuant to section 103 (a) to nations or organizations in each of the four areas in this subsection shall not exceed the total of the funds heretofore made available for military assistance in that area pursuant to Acts repealed by this Act plus the amount herein specified for that

(1) In the European area (excluding Greece and Turkey), \$17,500,000.

(2) In the Near East (including Greece and Turkey) and Central America,¹ \$181,200,000.

(3) In Asia,² \$583,600,000.

(4) In the Western Hemisphere, \$13,000,000.

Whenever the President determines it to be necessary for the execution of this title, equipment, materials, and services of a value not exceeding 15 per centum of the sum of (1) that portion of the unexpended balances referred to in section 103 (a) which was available on October 1, 1954, to furnish assistance in any of the areas named in subsection (c) of this section, and (2) the amount specified in the preceding paragraph of subsection (c) of this section for additional assistance in such area, may be furnished in any other such area or notwithstanding the limitations set forth in subsection (c) of this section. Funds heretofore obligated or programmed or hereafter made available solely for the purpose of section 104 (pertaining to infrastructure) shall not be included in the total fixed for each such area. Funds heretofore appropriated for military assistance in a particular geographic area but transferred from such use under section 513 of the Mutual Security Act of 1951, as amended, or under section 408 (c) of the Mutual Defense Assistance Act, shall be included in the total available for the benefit of which such transfer was made, and not in the total for the area from which the transfer was made.

2(f) of the Mutual Security Act of 1955 amended this paragraph by striking out the former "Africa, and South Asia" and inserting, in lieu thereof, "Asia."

2 (f) of the Mutual Security Act of 1955 amended this paragraph by striking out the former "the Far East and the Pacific" and inserting, in lieu thereof, "Asia".

SEC. 106. SALE OF MILITARY EQUIPMENT, MATERIALS, AND SERVICES.—(a) The President may, in order to carry out the purpose of this chapter, sell or enter into contracts (without requirement for charge to any appropriation or contract authorization) for the procurement for sale of equipment, materials, or services to any nation or international organization: *Provided*, That prior to the transfer of any such equipment, materials, or services to any nation which has not signed an agreement under section 142 of this Act or joined with the United States in a regional collective defense arrangement, the President shall have received commitments satisfactory to him that such equipment, materials, or services are required for and will be used by such nation solely to maintain its internal security, its legitimate self-defense, or to permit it to participate in the defense of the area of which it is a part, or in collective security arrangements and measures consistent with the Charter of the United Nations, and that it will not undertake any act of aggression against any other state.

(b) Whenever equipment or materials are sold from the stocks of or services are rendered by any United States Government agency to any nation or international organization as provided in subsection (a), such nation or international organization shall first make available the fair value, as determined by the President, of such equipment, materials, or services before delivery or, when the President determines it to be in the best interests of the United States, within sixty days thereafter or, as determined by the President, within a reasonable period not to exceed three years. The fair value for the purpose of this subsection shall not be less than the value as defined in subsection (h) of section 545: *Provided*, That with respect to excess equipment or materials the fair value may not be determined to be less than (i) the minimum value specified in that subsection plus the scrap value, or (ii) the market value, if ascertainable, whichever is the greater. Before a contract for new production is entered into, or rehabilitation work is undertaken, such nation or international organization shall (A) provide the United States with a dependable undertaking to pay the full amount of such contract or the cost of such rehabilitation which will assure the United States against any loss on the contract or rehabilitation work, and (B) shall make funds available in such amounts and at such times as may be necessary to meet the payments required by the contract or the rehabilitation work in advance of the time such payments are due, in addition to the estimated amount of any damages and costs that may accrue from the cancellation of such contract or rehabilitation work.

(c) Sections 105, 141, and 142 shall not apply with respect to assistance furnished under this section.

SEC. 107. WAIVERS OF LAW.— . . .

SEC. 108. TRANSFER OF MILITARY EQUIPMENT TO JAPAN.—In addition to any program of military assistance for which funds may be appropriated pursuant to this Act, the President is hereby authorized to transfer to the Government of Japan, until June 30, 1956,¹ upon

¹ "1956" was substituted for "1955" by sec. 2 (g) of the Mutual Security Act of 1955.

on the same terms and conditions as he may specify, and upon its request, the United States military equipment and supplies programed for Japan to meet its internal security requirements for which Department of Defense appropriations were obligated prior to July 1, 1953. No appropriation shall be requested to replace the military equipment and supplies so transferred, and no funds heretofore or hereafter appropriated for the purpose of this chapter shall be available for reimbursement to any United States Government agency on account of any transfer made pursuant to this section.

CHAPTER 2—SOUTHEAST ASIA AND THE WESTERN PACIFIC, AND DIRECT FORCES SUPPORT

SEC. 121. SOUTHEAST ASIA AND THE WESTERN PACIFIC.—There is hereby authorized to be appropriated to the President for the fiscal year 1955, to be made available on such terms and conditions, including transfer of funds, as he may specify, not to exceed \$700,000,000 for expenses necessary for the support of the forces of nations in the area of Southeast Asia, including the furnishing, as far as possible, of direct assistance to the Associated States of Cambodia, Laos,¹ and Vietnam as well as to the forces of other free nations in the area including those of France located in such Associated States and for other expenditures to accomplish in Southeast Asia and the Western Pacific the policies and purposes declared in this Act. In addition, the expended balances of funds allocated from appropriations made pursuant to sections 304 and 540 of the Mutual Security Act of 1951, as amended, for the purpose of support of the forces of the Associated States of Cambodia, Laos, and Vietnam and the forces of France located in the Associated States, are hereby authorized to be continued available for the purpose of this section through June 30, 1955, and to be consolidated with the appropriation authorized by this section. Assistance under this title² shall be made available subject to the provisions of sections 141 and 142, except that (1) in the case of assistance to the Associated States of Cambodia, Laos, and Vietnam, and (2) in the case of assistance (not to exceed in the aggregate 10 per centum of the amount appropriated pursuant to this section, excluding expended balances of prior appropriations) to other nations, the President may waive specific provisions of section 142 to the extent he may deem necessary in the national interest to carry out the purposes of this Act. The President or such officer as he may designate shall report each instance of such waiver to the Foreign Relations, Appropriations, and Armed Services Committees of the Senate and the Foreign Affairs, Appropriations, and Armed Services Committees of the House of Representatives within thirty days.

It is the sense of the Congress that no part of the funds appropriated under this section shall be used on behalf of governments which are committed by treaty to maintain Communist rule over any defined territory of Asia.

No new funds were requested for this section for fiscal year 1956. The word "section" was stricken out and the word "title" substituted by sec. 1(a) of the Mutual Security Act of 1955.

SEC. 122. PRODUCTION FOR FORCES SUPPORT.—There is hereby authorized to be appropriated to the President for the fiscal year 1955, to be made available on such terms and conditions, including transfer of funds, as he may specify, not to exceed \$35,000,000¹ for manufacture in the United Kingdom of military aircraft required by United Kingdom forces for the defense of the North Atlantic area. In addition, unexpended balances of appropriations made pursuant to section 102 of the Mutual Security Act of 1951, as amended, are hereby authorized to be continued available for their original purposes through June 30, 1955, and the unexpended balance of the appropriation made pursuant to the second clause of that section is authorized to be consolidated with the appropriation authorized by this section.

SEC. 123. COMMON USE ITEMS.—There is hereby authorized to be appropriated to the President for the fiscal year 1955 not to exceed \$60,000,000¹ for the provision of any common-use equipment, materials, commodities, or services which are to be used by military forces of nations receiving assistance under chapter 1 of this title. Programs authorized by this section shall be administered in accordance with the provisions of chapter 1 or chapter 3 of this title.

SEC. 124.² DIRECT FORCES SUPPORT.—There is hereby authorized to be appropriated to the President for the fiscal year 1956 not to exceed \$317,200,000 to provide assistance in the form of direct forces support to be delivered or rendered directly to the military forces of nations eligible for military assistance under chapter 1 of this title. The President may, notwithstanding the provisions of section 501, consolidate all or any part of appropriations made pursuant to this section with appropriations made pursuant to section 103. Programs authorized by this section may be administered in accordance with the provisions of chapter 1 or chapter 3 of this title.

CHAPTER 3—DEFENSE SUPPORT

SEC. 131. GENERAL AUTHORITY.—(a) The President is hereby authorized to furnish, to nations and organizations eligible to receive military assistance under chapter 1 of this title, or to nations which have joined with the United States in a regional collective defense arrangement, commodities, services, and financial and other assistance designed to sustain and increase military effort. In furnishing such assistance, the President may provide for the procurement and transfer from any source of any commodity or service (including processing, storing, transporting, marine insurance, and repairing) or any technical information and assistance.

(b) There is hereby authorized to be appropriated to the President for the fiscal year 1955 to carry out the provisions of this section, not to exceed—

(1) \$46,000,000 for Europe (excluding Greece and Turkey);

¹ No new funds were requested for this section for fiscal year 1956.

² This section was added by sec. 3 (b) of the Mutual Security Act of 1955.

(2) \$73,000,000 for the Near East (including Greece and Turkey), Africa, and South Asia; and

(3) \$80,098,195 for the Far East and the Pacific.

In addition, unexpended balances of appropriations heretofore made pursuant to section 541 of the Mutual Security Act of 1951, as amended, are hereby authorized to be continued available for the purpose of this subsection through June 30, 1955, and to be consolidated with the appropriation authorized for the same area by this subsection: *Provided*, That portions of such unexpended balances which have been allocated to assistance for Greece and Turkey shall be consolidated with the appropriation authorized by paragraph (2) of this subsection.

(c)¹ There is hereby authorized to be appropriated to the President for the fiscal year 1956 to carry out the provisions of this section, not to exceed—

(1) \$92,000,000 for Europe (excluding Greece and Turkey);

(2) \$102,500,000 for the Near East (including Greece and Turkey) and Africa; and

(3) \$827,800,000 for Asia.

Funds made available for assistance to Korea from appropriations authorized by this section may be used in accordance with the applicable provisions of section 132 of this Act.

(d) In providing assistance in the procurement of commodities in the United States, United States dollars shall be made available for marine insurance on such commodities where such insurance is placed on a competitive basis in accordance with normal trade practice prevailing prior to the outbreak of World War II: *Provided*, That in the event a participating country, by statute, decree, rule, or regulation, discriminates against any marine insurance company authorized to do business in any State of the United States, then commodities purchased with funds provided hereunder and destined for such country shall be insured in the United States against marine risk with a company or companies authorized to do a marine insurance business in any State of the United States.

SEC. 132. KOREAN PROGRAM.—(a) There is hereby authorized to be appropriated to the President for the fiscal year 1955 not to exceed \$205,000,000 to be expended, upon terms and conditions specified by the President, for defense support, relief and rehabilitation, and other necessary assistance (including payment of ocean freight charges on shipments for relief and rehabilitation, without regard to section 409 of this Act) in those parts of Korea which the President shall have determined to be not under Communist control. In addition, unexpended balances of funds heretofore allocated for the purpose of relief and rehabilitation in Korea pursuant to the paragraph entitled "Relief and Rehabilitation in Korea," chapter VII, Supplemental Appropriation Act, 1954, and unobligated balances of the appropriation for "Civilian Relief in Korea," title III, Department of Defense Appropriation Act, 1954, are hereby authorized to be continued available for the purposes of this subsection through June 30, 1955, and to

¹ Subsections (c) and (d) of sec. 131 were added by sec. 4 of the Mutual Security Act of 1955.

be consolidated with the appropriation authorized by this subsection.

(b) (1) Notwithstanding the provisions of any other law, the President is authorized, at any time prior to twenty-four months from the date of enactment of this Act, to transfer to the Republic of Korea, by sale or charter and on such terms and conditions as he may specify, not more than eight C1-M-AV1 vessels. Any agency of the United States Government owning or operating such vessels is authorized to make such vessels available for the purpose of this subsection: *Provided*, That if after investigation it is determined by the President that there are privately owned C1-M-AV1 vessels offered and available for sale by American citizens as defined in section 2 of the Shipping Act, 1916, as amended, at prices equal to or less than those provided for in subsection (b) (2) below, such vessels shall be acquired by an owning or operating agency designated by the President for the purpose of this subsection. Funds made available pursuant to subsection (a) of this section shall be available for the purpose of this subsection.

(2) Such transfers shall be made at prices determined under section 3 of the Merchant Ship Sales Act of 1946 (50 U. S. C., App. 1736): *Provided*, That such vessels shall be placed in class in accordance with minimum requirements of the American Bureau of Shipping by the owning or operating agency, and the expense of placing in class shall be reimbursed to such agency.

(c) There is hereby authorized to be appropriated for the fiscal year 1955 not to exceed \$3,452,615 for making contributions to the United Nations Korean Reconstruction Agency or expenditure through such other agency for relief and rehabilitation in Korea as the President may direct. In addition, the unexpended balance of the appropriation made pursuant to the last sentence of section 303 (a) of the Mutual Security Act of 1951, as amended, is hereby authorized to be continued available for the purpose of this subsection through June 30, 1955, and to be consolidated with the appropriation authorized by this subsection.¹ Sections 141 and 142 of this Act shall not apply with respect to assistance furnished under this subsection.

CHAPTER 4—GENERAL PROVISIONS RELATING TO MUTUAL DEFENSE ASSISTANCE

SEC. 141. CONDITIONS OF ELIGIBILITY FOR ASSISTANCE.—No assistance shall be furnished under this title to any nation or organization unless the President shall have found that furnishing such assistance will strengthen the security of the United States and promote world peace. No such assistance shall be furnished to a nation unless it shall have agreed to the provisions required by section 142, and such additional provisions as the President deems necessary to effectuate the policies and provisions of this title and to safeguard the interests of the United States.

¹ No funds for fiscal year 1956 were authorized or appropriated for the purposes of this subsection.

SEC. 142. AGREEMENTS.—(a) ¹ No assistance shall be furnished to any nation under this title unless such nation shall have agreed to—

(1) join in promoting international understanding and good will, and maintaining world peace;

(2) take such action as may be mutually agreed upon to eliminate causes of international tension;

(3) fulfill the military obligations, if any, which it has assumed under multilateral or bilateral agreements or treaties to which the United States is a party;

(4) make, consistent with its political and economic stability, the full contribution permitted by its manpower, resources, facilities, and general economic condition to the development and maintenance of its own defensive strength and the defensive strength of the free world;

(5) take all reasonable measures which may be needed to develop its defense capacities;

(6) take appropriate steps to insure the effective utilization of the assistance furnished under this title in furtherance of the policies and purposes of this title;

(7) impose appropriate restrictions against transfer of title to or possession of any equipment and materials, information, or services furnished under chapter 1 of this title, without the consent of the President;

(8) maintain the security of any article, service, or information furnished under chapter 1 of this title;

(9) furnish equipment and materials, services, or other assistance consistent with the Charter of the United Nations, to the United States or to and among other nations to further the policies and purpose of chapter 1 of this title;

(10) permit continuous observation and review by United States representatives of programs of assistance authorized under this title, including the utilization of any such assistance and ² provide the United States with full and complete information with respect to these matters, as the President may require. ³

(b) In cases where any commodity is to be furnished on a grant basis under chapter 2 or chapter 3 of title I or under title II of this Act under arrangements which will result in the accrual of proceeds to the recipient nation from the import or sale thereof, such assistance shall not be furnished unless the recipient nation shall have agreed to establish a Special Account, and ⁴

¹ "(a)" was inserted by sec. 5 of the Mutual Security Act of 1955.

² The word "and" was substituted for "or" by sec. 5 of the Mutual Security Act of 1955.

³ The word "and" which appeared at the end of this subparagraph was deleted by sec. 5 of the Mutual Security Act of 1955, and a period was substituted.

⁴ Sec. 5 of the Mutual Security Act of 1955 changed the designation of this provision from "(11)" to "(b)" and revised the language of the introductory paragraph which previously read as follows:

"(11) in cases where any commodity is furnished on a grant basis under any provision of this Act other than chapter 1 of title I under arrangements which will result in the accrual of proceeds to the recipient nation from the import or sale thereof, establish a Special Account, and—".

(i) deposit in the Special Account, under such terms and conditions as may be agreed upon, currency of the recipient nation in amounts equal to such proceeds;

(ii) make available to the United States such portion of the Special Account as may be determined by the President to be necessary for the requirements of the United States: *Provided*, That such portion shall not be less than 10 per centum in the case of any country to which such minimum requirement has been applicable under any Act repealed by this Act; and

(iii) utilize the remainder of the Special Account for programs agreed to by the United States to carry out the purposes for which new funds authorized by this Act would themselves be available.

Any unencumbered balances of funds which remain in the Account upon termination of assistance to such nation under this Act shall be disposed of for such purposes as may, subject to approval by the Act or joint resolution of the Congress, be agreed to between such country and the Government of the United States.

TITLE II—DEVELOPMENT ASSISTANCE

SEC. 201. AUTHORIZATION.—(a) There is hereby authorized to be appropriated to the President for the fiscal year 1955, not to exceed—

(1) \$115,000,000 for assistance designed to promote the economic development of the Near East and Africa, and for other types of assistance designed to help maintain economic and political stability in the area;

(2) \$75,000,000 for assistance designed to promote the economic development of Asia¹ and to assist in maintaining economic and political stability in the area; and

(3) \$9,000,000 for assistance designed to promote economic development in the other American Republics and non-self-governing territories of the Western Hemisphere and to assist in maintaining economic and political stability in the area.²

Such assistance may be furnished on such terms and conditions as the President may specify and shall emphasize loans rather than grants wherever possible.³

(b) In addition, unexpended balances of appropriations heretofore made pursuant to sections 206 and 302 (b) of the Mutual Security Act of 1951, as amended, and unexpended balances of funds allocated to the emergency economic aid program for Bolivia are hereby authorized to be continued available for the purposes of this section through June 30, 1955, and to be consolidated with the appropriations

¹ The words "South Asia" were stricken out and "Asia" inserted, in lieu thereof, by sec. 6 (a) (1) of the Mutual Security Act of 1955.

² The words "and to assist in maintaining economic and political stability in the area" were added by sec. 6 (a) (1) of the Mutual Security Act of 1955.

³ This sentence was revised by sec. 6 (a) (1) of the Mutual Security Act of 1955. It formerly read as follows: "Such assistance may be furnished on such terms and conditions as the President may specify, except that 30 per centum of the funds appropriated pursuant to this subsection shall be available only for furnishing assistance on terms of repayment in accordance with section 505."

authorized by paragraphs (1), (2), and (3) of subsection (a) of this section, respectively.

(c) ¹ There is hereby authorized to be appropriated to the President for the fiscal year 1956 not to exceed \$73,000,000, \$71,000,000, and \$38,000,000 to furnish assistance under paragraphs (1), (2), and (3), respectively of subsection (a) of this section.

SEC. 202. ADMINISTRATION.— . . .

TITLE III—TECHNICAL COOPERATION

SEC. 301. DECLARATION OF PURPOSE.—It is the policy of the United States and the purpose of this title to aid the efforts of the peoples of economically underdeveloped areas to develop their resources and improve their working and living conditions by encouraging the exchange of technical knowledge and skills and the flow of investment capital to countries which provide conditions under which such technical assistance and capital can effectively and constructively contribute to raising standards of living, creating new sources of wealth, increasing productivity and expanding purchasing power.

SEC. 302. GENERAL AUTHORITY AND DEFINITION.—The President is authorized to furnish assistance in accordance with the provisions of this title through bilateral technical cooperation programs. As used in this title, the term "technical cooperation programs" means programs for the international interchange of technical knowledge and skills designed to contribute primarily to the balanced and integrated development of the economic resources and productive capacities of economically underdeveloped areas. Such activities shall be limited to economic, engineering, medical, educational, labor, agricultural, forestry, fishery, mineral, and fiscal surveys, demonstration, training, and similar projects that serve the purpose of promoting the development of economic resources, productive capacities, and trade of economically underdeveloped areas, and training in public administration. The term "technical cooperation programs" does not include such activities authorized by the United States Information and Educational Exchange Act of 1948 (62 Stat. 6) as are not primarily related to economic development, nor activities undertaken now or hereafter pursuant to the International Aviation Facilities Act (62 Stat. 450), nor activities undertaken now or hereafter in the administration of areas occupied by the United States Armed Forces.

SEC. 303. PREREQUISITES TO ASSISTANCE.—Assistance shall be made available under section 302 of this Act only where the President determines that the nation being assisted—

- (a) pays a fair share of the cost of the program;
- (b) provides all necessary information concerning such program and gives the program full publicity;
- (c) seeks to the maximum extent possible full coordination and integration of technical cooperation programs being carried on in that nation;

¹ This subsection was added by sec. 6 (a) (2) of the Mutual Security Act of 1955.

(d) endeavors to make effective use of the results of the program; and

(e) cooperates with other nations participating in the program in the mutual exchange of technical knowledge and skills.

SEC. 304. AUTHORIZATION.— . . .

SEC. 305. LIMITATION ON USE OF FUNDS.—Funds made available under section 304 may be expended to furnish assistance in the form of equipment or commodities only where necessary for instruction or demonstration purposes.

SEC. 306. MULTILATERAL TECHNICAL COOPERATION.—As one means of accomplishing the purposes of this title, the United States is authorized to participate in multilateral technical cooperation programs carried on by the United Nations, the Organization of American States, their related organizations, and other international organizations, wherever practicable. There is hereby authorized to be appropriated to carry out the purpose of this section, in addition to the amounts authorized by section 304, not to exceed—

(a) \$17,958,000 for making contributions to the United Nations Expanded Program of Technical Assistance; in addition, \$24,000,000 for the fiscal year 1956 for contributions to the United Nations Expanded Program of Technical Assistance;¹

(b) \$1,500,000 for making contributions to the technical cooperation program of the Organization of American States; in addition, \$1,500,000 for the fiscal year 1956 for contributions to the technical cooperation programs of the Organization of American States.²

SEC. 307. ADVANCES AND GRANTS; CONTRACTS.—The President may make advances and grants-in-aid of technical cooperation programs to any person, corporation, or other body of persons or to any foreign government agency. The President may make and perform contracts and agreements in respect to technical cooperation programs on behalf of the United States Government with any person, corporation, or other body of persons however designated, whether within or without the United States, or with any foreign government or foreign government agency. A contract or agreement which entails commitments for the expenditure of funds appropriated pursuant to this title may, subject to any future action of the Congress, run for not to exceed three years.

SEC. 308. INTERNATIONAL DEVELOPMENT ADVISORY BOARD.—There shall be an advisory board, referred to in this section as the "Board," which shall advise and consult with the President, or such other officer as he may designate to administer this title, with respect to general or basic policy matters arising in connection with the operation of programs authorized by this title, title II, and section 413 (b). The Board shall consist of not more than thirteen members appointed by the President, one of whom, by and with the advice and

¹ The words commencing with "in addition" and continuing through to the end of the subsection were added by sec. 7 (b) (1) of the Mutual Security Act of 1955.

² The words commencing with "in addition" and continuing through to the end of the subsection were added by sec. 7 (b) (2) of the Mutual Security Act of 1955.

consent of the Senate, shall be appointed by him as chairman. The members of the Board shall be broadly representative of voluntary agencies and other groups interested in the programs, including business, labor, agriculture, public health, and education. All members of the Board shall be citizens of the United States; none except the chairman shall be an officer or an employee of the United States (including any United States Government agency) who as such regularly receives compensation for current services. . . .

TITLE IV—OTHER PROGRAMS

SEC. 401. SPECIAL FUND.—(a) Of the funds made available under this Act, not to exceed \$50,000,000, in addition to the funds authorized to be appropriated under subsection (b) hereof,¹ may be used in any fiscal year, without regard to the requirements of this Act or any other Act for which funds are authorized by this Act, in furtherance of any of the purposes of such Acts, when the President determines that such use is important to the security of the United States. Not to exceed \$100,000,000 of the funds available under this section may be expended for any selected persons who are residing in or escapees from the Soviet Union, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Lithuania, Latvia, and Estonia or the Communist-dominated or Communist-occupied areas of Germany and Austria, or any Communist-dominated or Communist-occupied areas of Asia and any other countries absorbed by the Soviet Union, either to form such persons into elements of the military forces supporting the North Atlantic Treaty Organization or for other purposes, when the President determines that such assistance will contribute to the defense of the North Atlantic area or to the security of the United States.² Certification by the President that he has expended amounts under this Act³ not in excess of \$50,000,000, and that it is inadvisable to specify the nature of such expenditures, shall be deemed a sufficient voucher for such amounts. Not more than \$20,000,000 of the funds available under this section may be allocated to any one nation in any fiscal year.

(b)⁴ There is hereby authorized to be appropriated to the President for the fiscal year 1956 \$100,000,000 for use in accordance with subsection (a) of this section.

SEC. 402. EARMARKING OF FUNDS.—Of the funds authorized to be made available pursuant to this Act for the fiscal year 1956, not less

¹ Section 8 (a) of the Mutual Security Act of 1955 added the subsection designation "(a)", substituted the figure \$50,000,000 in lieu of \$150,000,000, and added the following words: "in addition to the funds authorized to be appropriated under subsection (b) hereof."

² Mutual Security Appropriation Act, 1956—"Provided, That no funds appropriated in this Act shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance based on reasonable standards to insure against Communist infiltration in the Western Hemisphere."

³ The word "Act" was substituted for the word "section" by sec. 8 (a) of the Mutual Security Act of 1955.

⁴ This subsection was added by sec. 8 (a) of the Mutual Security Act of 1955.

than \$300,000,000¹ shall be used to finance the export and sale for foreign currencies of surplus agricultural commodities or products thereof produced in the United States, in addition to surplus agricultural commodities or products transferred pursuant to the Agricultural Trade Development and Assistance Act of 1954,² and in accordance with the standards as to pricing and the use of private trade channels expressed in section 101 of said Act. Foreign currency proceeds accruing from such sales shall be used for the purposes of this Act and with particular emphasis on the purposes of section 104 of the Agricultural Trade Development and Assistance Act of 1954 which are in harmony with the purposes of this Act. Notwithstanding section 1415 of the Supplemental Appropriation Act, 1953,³ or any other provision of law, the President may use or enter into agreements with friendly nations or organizations of nations to use for such purposes the foreign currencies which accrue to the United States under this section.

SEC. 403. SPECIAL ASSISTANCE IN JOINT CONTROL AREAS.—(a)⁴ The President is hereby authorized to furnish commodities, services, and financial and other assistance to nations and areas for which the United States has responsibility at the time of the enactment of this Act as a result of participation in joint control arrangements where found by the President to be in the interest of the security of the United States. There is hereby authorized to be appropriated to the President for the fiscal year 1955 not to exceed \$25,000,000 to carry out this section.

(b)⁵ There is hereby authorized to be appropriated to the President for the fiscal year 1956 not to exceed \$21,000,000 to carry out this section.

SEC. 404. RESPONSIBILITIES IN GERMANY.—Upon approval by the Secretary of State, a part of the German currency now or hereafter deposited under the bilateral agreement of December 15, 1949, between the United States and the Federal Republic of Germany (or any supplementary or succeeding agreement) shall be deposited in the GARIOA (Government and Relief in Occupied Areas) Special Account under the terms of article V of that agreement, and currency which has been or may be deposited in said account, and any portion of funds made available for assistance to the Federal Republic of Germany pursuant to section 403 of this Act, may be used for expenses necessary to meet the responsibilities or objectives of the United States in Germany, including responsibilities arising under the supreme authority assumed by the United States on June 5, 1945, and under contractual arrangements with the Federal Republic of Germany.

¹ The words "for the fiscal year 1956, not less than \$300,000,000" were substituted for "not less than \$350,000,000" by sec. 8 (b) of the Mutual Security Act of 1955.

² For text of Agricultural Trade Development and Assistance Act of 1954, see *supra*, pp. 2941-2947.

³ PL 547, 82d Cong., 2d sess., 66 Stat. 662.

⁴ The subsection designation "(a)," and the following words "at the time of the enactment of this Act" which appear after the word "responsibility," were added by sec. 8 (c) of the Mutual Security Act of 1955.

⁵ This subsection was added by sec. 8 (c) of the Mutual Security Act of 1955.

Expenditures may be made under authority of this section in amounts and under conditions determined by the Secretary of State after consultation with the official primarily responsible for administration of programs under chapter 3 of title I, and without regard to any provision of law which the President determines must be disregarded in order to meet such responsibilities or objectives.

SEC. 405. MIGRANTS, REFUGEES, AND ESCAPEES.¹—(a) The President is hereby authorized to continue membership for the United States on the Intergovernmental Committee for European Migration in accordance with its constitution approved in Venice, Italy, on October 19, 1953. For the purpose of assisting in the movement of migrants, there is hereby authorized to be appropriated not to exceed \$11,189,190 for contributions during the calendar year 1955 to the Intergovernmental Committee for European Migration, and thereafter such amounts as may be necessary from time to time² for the payment by the United States of its contributions to the Committee and all necessary salaries and expenses incident to United States participation in the Committee. In addition, the unexpended balance of the appropriation made pursuant to section 534 of the Mutual Security Act of 1951, as amended, is hereby authorized to be continued available for the purpose of this subsection through June 30, 1955, and to be consolidated with the appropriation authorized in this subsection.

(b) Of the funds made available under this Act not more than \$800,000 may be used by the President to facilitate the migration to the other American Republics of persons resident in that portion of the Ryukyu Island Archipelago under United States control.

(c)³ There is hereby authorized to be appropriated for the fiscal year 1956 not to exceed \$1,400,000 for contributions to the United Nations Refugee Fund.

(d)⁴ There is hereby authorized to be appropriated to the President for the fiscal year 1956 not to exceed \$6,000,000 for continuation of activities, including care, training, and resettlement, which have been undertaken for selected escapees under section 401 of this Act.

SEC. 406. CHILDREN'S WELFARE.—(a) There is hereby authorized to be appropriated not to exceed \$13,500,000 for contributions during the fiscal year 1955 to the United Nations Children's Fund.⁵

¹ The heading, which formerly read "Movement of Migrants and Refugees," was changed by sec. 8 (d) (1) of the Mutual Security Act of 1955.

² Mutual Security Appropriation Act, 1956—"Provided, That no funds appropriated in this Act shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance based on reasonable standards to insure against Communist infiltration in the Western Hemisphere."

³ This subsection was revised by sec. 8 (d) (2) of the Mutual Security Act of 1955. It formerly read as follows:

"There is hereby authorized to be appropriated for the fiscal year 1955 not to exceed \$500,000 for contributions to the U.N. Refugee Emergency Fund."

⁴ This subsection was added by sec. 8 (d) (3) of the Mutual Security Act of 1955.

⁵ Subsection designation "(a)" and subsection (b) in its entirety were added by sec. 8 (e) of the Mutual Security Act of 1955.

(b) There is hereby authorized to be appropriated for the fiscal year 1956 not to exceed \$14,500,000 for contributions to the United Nations Children's Fund.

SEC. 407. PALESTINE REFUGEES IN THE NEAR EAST.—(a) ¹ There is hereby authorized to be appropriated to the President for the fiscal year 1955, not to exceed \$30,000,000, to be used to make contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East. In addition, the unexpended balance of the appropriation made for the Palestine refugee program in the Mutual Security Appropriation Act, 1954,² is hereby authorized to be continued available for the purpose of this section through June 30, 1955. Whenever the President shall determine that it would more effectively contribute to the relief, rehabilitation, and resettlement of Palestine refugees in the Near East, he may expend any part of the funds made available pursuant to this section through any other agency he may designate.

(b) ³ There is hereby authorized to be appropriated to the President for the fiscal year 1956 not to exceed \$65,000,000 to be used to make contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

SEC. 408. NORTH ATLANTIC TREATY ORGANIZATION.—(a) In order to provide for United States participation in the North Atlantic Treaty Organization, there is hereby authorized to be appropriated for the fiscal year 1955 not to exceed \$3,200,000 for payment by the United States of its share of the expenses of the Organization, and thereafter such amounts as may be necessary from time to time for the payment by the United States of its share of the expenses of the Organization and all necessary salaries and expenses of the United States permanent representative to the Organization, of such persons as may be appointed to represent the United States in the subsidiary bodies of the Organization or in any multilateral organization which participates in achieving the aims of the North Atlantic Treaty, and of their appropriate staffs, and the expenses of participation in meetings of such organizations, including salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U. S. C. 801), and allowances and expenses as provided in section 6 of the Act of July 30, 1946 (22 U. S. C. 287r).

(b) The United States permanent representative to the North Atlantic Treaty Organization shall be appointed by the President by and with the advice and consent of the Senate and shall hold office at the pleasure of the President. Such representative shall have the rank and status of ambassador extraordinary and plenipotentiary and shall be a chief of mission, class 1, within the meaning of the Foreign Service Act of 1946, as amended (22 U. S. C. 801).

¹ Subsection designation "(a)" was added by sec. 8 (f) of the Mutual Security Act of 1955.

² PL 218, 83d Cong.; 67 Stat. 478.

³ This subsection was added by sec. 8 (f) of the Mutual Security Act of 1955.

(c) Persons detailed to the international staff of the North Atlantic Treaty Organization in accordance with section 529 of this Act who are appointed as Foreign Service Reserve officers may serve for periods of more than four years notwithstanding the limitation in section 522 of the Foreign Service Act of 1946, as amended (22 U. S. C. 922).

SEC. 409. OCEAN FREIGHT CHARGES.—(a) In order to further the efficient use of United States voluntary contributions for relief and rehabilitation in nations and areas eligible for assistance under this Act, the President may pay ocean freight charges from United States ports to designated ports of entry of such nations and areas on shipments by United States voluntary nonprofit relief agencies registered with and approved by the Advisory Committee on Voluntary Foreign Aid and shipments by the American Red Cross.

(b) Where practicable the President shall make arrangements with the receiving nation for free entry of such shipments and for the making available by that nation of local currencies for the purpose of defraying the transportation cost of such shipments from the port of entry of the receiving nation to the designated shipping point of the consignee.

(c) There is hereby authorized to be appropriated to the President for the fiscal year 1955 not to exceed \$4,400,000 to carry out the purposes of this section; and, in addition, unexpended balances of appropriations heretofore made pursuant to section 535 of the Mutual Security Act of 1951, as amended, are authorized to be continued available for the purposes of this section through June 30, 1955, and to be consolidated with the appropriation authorized in this section. There is hereby authorized to be appropriated to the President for the fiscal year 1956 not to exceed \$2,000,000 to carry out the purposes of this section.¹

(d) ² There is hereby authorized to be appropriated to the President for the fiscal year 1956 not to exceed \$13,000,000 to pay ocean freight charges on shipments of surplus agricultural commodities, including commodities made available pursuant to any Act for the disposal abroad of United States agricultural surpluses. In addition, any funds made available under this Act may be used, in amounts determined by the President, for the purposes of this subsection.

SEC. 410. CONTROL ACT EXPENSES.—There is hereby authorized to be appropriated to the President for the fiscal year 1955 not to exceed \$1,300,000, and for the fiscal year 1956 not to exceed \$1,175,000, for carrying out the objectives of the Mutual Defense Assistance Control Act of 1951 (22 U. S. C. 1611).³ In addition, in accordance with section 303 of that Act, funds made available for carrying out

¹ This last sentence was added by sec. 8 (g) (1) of the Mutual Security Act of 1955.

² This subsection was revised by sec. 8 (g) (2) of the Mutual Security Act of 1955. It formerly read: "In addition, any funds made available under this Act may be used, in amounts determined by the President, to pay ocean freight charges on shipments of surplus agricultural commodities, including commodities made available pursuant to any Act for the disposal abroad of United States agricultural surpluses."

³ [For text of Mutual Defense Assistance Control Act of 1951, see *supra*.]

chapter 1 of title I of this Act shall be available for carrying out the purpose of this section in such amounts as the President may direct.¹

SEC. 411.² ADMINISTRATIVE AND OTHER EXPENSE. (a) Whenever possible, the expenses of administration of this Act shall be paid for in the currency of the nation where the expense is incurred.

SEC. 412. CHINESE AND KOREAN STUDENTS.—Funds heretofore allocated to the Secretary of State pursuant to the last proviso of section 202 of the China Area Aid Act of 1950 (22 U. S. C. 1547) shall continue to be available until expended, under such regulations as the Secretary of State may prescribe, using private agencies to the maximum extent practicable, for necessary expenses of tuition, subsistence, transportation, and emergency medical care for selected citizens of China and of Korea for studying or teaching in accredited colleges, universities, or other educational institutions in the United States approved by the Secretary of State for the purpose, or for research and related academic and technical activities in the United States, and such selected citizens of China who have been admitted for the purpose of study in the United States shall be granted permission to accept employment upon application filed with the Commissioner of Immigration and Naturalization pursuant to regulations promulgated by the Attorney General.

SEC. 413. ENCOURAGEMENT OF FREE ENTERPRISE AND PRIVATE PARTICIPATION.—(a) The Congress recognizes the vital role of free enterprise in achieving rising levels of production and standards of living essential to the economic progress and defensive strength of the free world. Accordingly, it is declared to be the policy of the United States to encourage the efforts of other free nations to increase the flow of international trade, to foster private initiative and competition, to discourage monopolistic practices, to improve the technical efficiency of their industry, agriculture and commerce, and to strengthen free labor unions; and to encourage the contribution of United States enterprise toward economic strength of other free nations, through private trade and investment abroad, private participation in the programs carried out under this Act (including the use of private trade channels to the maximum extent practicable in carrying out such programs), and exchange of ideas and technical information on the matters covered by this section.

(b) In order to encourage and facilitate participation by private enterprise to the maximum extent practicable in achieving any of the purposes of this Act, the President—

(1) shall make arrangements to find and draw the attention of private enterprise to opportunities for investment and development in other free nations;

(2) shall accelerate a program of negotiating treaties for commerce

¹ The words "and for the fiscal year 1956 not to exceed \$1,175,000" which appear in the first sentence of this section following the figure "\$1,800,000" were added by sec. 8 (h) of the Mutual Security Act of 1955.

² The heading formerly read "Administrative Expenses" and was changed by sec. 8 (i) (1) of the Mutual Security Act of 1955.

trade, including tax treaties, which shall include provisions to encourage and facilitate the flow of private investment to nations participating in programs under this Act;

(C) shall, consistent with the security and best interests of the United States, seek compliance by other countries or a dependent area of any country with all treaties for commerce and trade and shall take all reasonable measures under this Act or other authority to secure compliance therewith and to assist United States citizens in obtaining just compensation for losses sustained by them or payments exacted from them as a result of measures taken or imposed by any country or dependent area thereof in violation of any treaty; and

(D) may make, until June 30, 1957, under rules and regulations prescribed by him, guaranties to any person of investments in connection with projects, including expansion, modernization, or development of existing enterprises, in any nation with which the United States has agreed to institute the guaranty program: *Provided*, that—

(A) such projects shall be approved by the President as furthering any of the purposes of this Act, and by the nation concerned;

(B) the guaranty to any person shall be limited to assuring any or all of the following:

(i) the transfer into United States dollars of other currencies, or credits in such currencies, received by such person as earnings or profits from the approved project, as repayment or return of the investment therein, in whole or in part, or as compensation for the sale or disposition of all or any part thereof;

(ii) the compensation in United States dollars for loss of all or any part of the investment in the approved project which shall be found by the President to have been lost to such person by reason of expropriation or confiscation by action of the government of a foreign nation;

(C) when any payment is made to any person pursuant to a guaranty as hereinbefore described, the currency, credits, assets, or investment on account of which such payment is made shall become the property of the United States Government, and the United States Government shall be subrogated to any right, title, claim or cause of action existing in connection therewith;

(D) the guaranty to any person shall not exceed the amount of dollars invested in the project by such person with the approval of the President plus actual earnings or profits on said project to the extent provided by such guaranty, and shall be limited to a term not exceeding twenty years from the date of issuance;

(E) a fee shall be charged in an amount not exceeding 1 per centum per annum of the amount of each guaranty under clause (i) of subparagraph (B), and not exceeding 4 per centum of the amount of each guaranty under clause (ii) of such subparagraph, and all fees collected hereunder shall be available for expenditure

in discharge of liabilities under guaranties made under this section until such time as all such liabilities have been discharged or have expired, or until all such fees have been expended in accordance with the provisions of this section;

(F) the President is authorized to issue guaranties up to a total of \$200,000,000: *Provided*, That any funds allocated to a guaranty and remaining after all liability of the United States assumed in connection therewith has been released, discharged, or otherwise terminated, shall be available for allocation to other guaranties, the foregoing limitation notwithstanding. Any payments made to discharge liabilities under guaranties issued under this subsection shall be paid out of fees collected under subparagraph (E) as long as such fees are available, and thereafter shall be paid out of funds realized from the sale of notes which have been issued under authority of paragraph 111 (c) (2) of the Economic Cooperation Act of 1948, as amended, when necessary to discharge liabilities under any such guaranty;

(G) the guaranty program authorized by this paragraph shall be used to the maximum practicable extent and shall be administered under broad criteria so as to facilitate and increase the participation of private enterprise in achieving any of the purposes of this Act;

(H) as used in this paragraph—

(i) the term "person" means a citizen of the United States or any corporation, partnership, or other association created under the law of the United States or of any State or Territory and substantially beneficially owned by citizens of the United States, and

(ii) the term "investment" includes any contribution of capital goods, materials, equipment, services, patents, processes, or techniques by any person in the form of (1) a loan or loans to an approved project, (2) the purchase of a share of ownership in any such project, (3) participation in royalties, earnings, or profits of any such project, and (4) the furnishing of capital goods items and related services pursuant to a contract providing for payment in whole or in part after the end of the fiscal year in which the guaranty of such investment is made.

SEC. 414. MUNITIONS CONTROL.—(a) The President is authorized to control, in furtherance of world peace and the security and foreign policy of the United States, the export and import of arms, ammunition, and implements of war, including technical data relating thereto, other than by a United States Government agency. The President is authorized to designate those articles which shall be considered as arms, ammunition, and implements of war, including technical data relating thereto, for the purposes of this section.¹

(b) As prescribed in regulations issued under this section, every person who engages in the business of manufacturing, exporting, or importing any arms, ammunition, or implements of war, including

¹[See also the Mutual Defense Assistance Control Act of 1951, *supra*.]

technical data relating thereto, designated by the President under subsection (a) shall register with the United States Government agency charged with the administration of this section and in addition, shall pay a registration fee which shall be prescribed by such regulations.

(c) Any person who willfully violates any provision of this section or any rule or regulation issued under this section, or who willfully, in a registration or license application, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined not more than \$25,000 or imprisoned not more than two years, or both.

SEC. 415. ASSISTANCE TO INTERNATIONAL ORGANIZATION.—Whenever it will assist in achieving purposes declared in this Act, the President is authorized to use funds available under sections 131 and 403 in order to furnish assistance, including by transfer of funds, directly to the North Atlantic Treaty Organization, for a strategic stockpile of foodstuffs and other supplies, or for other purposes.

SEC. 416. FACILITATION AND ENCOURAGEMENT OF TRAVEL.—The President, through such officer or commission as he may designate, shall facilitate and encourage, without cost to the United States except for administration expenses, the promotion and development of travel by citizens of the United States to and within countries receiving assistance under this Act and travel by citizens of such countries to the United States.

SEC. 417. IRISH COUNTERPART.—Pursuant to section 115 (b) (6) of the Economic Cooperation Act of 1948, as amended, the disposition within Ireland of the unencumbered balance, in the amount of approximately 6,000,000 Irish pounds, of the special account of Irish funds established under article IV of the Economic Cooperation Agreement between the United States of America and Ireland, dated June 28, 1948, for the purposes of—

(1) scholarship exchange between the United States and Ireland;

(2) other programs and projects (including the establishment of an Agricultural Institute) to improve and develop the agricultural production and marketing potential of Ireland and to increase the production and efficiency of Irish industry; and

(3) development programs and projects in aid of the foregoing objectives, is hereby approved, as provided in the agreement between the Government of the United States of America and the Government of Ireland, dated June 17, 1954.

SEC. 418. PRESIDENT'S FUND FOR ASIAN ECONOMIC DEVELOPMENT.—(a) The Congress of the United States reaffirms the policy of the United States to contribute to international peace and security through assisting the peoples of free Asia in their efforts to attain economic and social well-being, to safeguard basic rights and liberties, and to protect their security and independence. The Congress hereby recognizes that fundamental to these goals is an expanding economic growth of the free Asia area based upon self-help and mutual cooperation and full utilization of already existing resources and

knowledge. The Congress expresses the willingness of the people of the United States to support the foregoing objectives to the extent to which the countries in the area continue to make effective use of their own resources and external resources otherwise available to them.

(b) In order to carry out the purposes of this section, there is hereby authorized to be established a fund, to be known as the "President's Fund for Asian Economic Development" (hereinafter referred to as "the Fund"), and there is hereby authorized to be appropriated to the President for the Fund an amount of \$200,000,000, such amount to remain available until June 30, 1958.

(c) The President is authorized to utilize the appropriations made available for the Fund to accomplish in the free Asian area the policies and purposes declared in this Act and to disburse them on such terms and conditions, including transfer of funds, as he may specify to any person, corporation, or other body of persons however designated, or to any friendly foreign government, agency, or organization or group of friendly governments or agencies as may be appropriate: *Provided, however,* That such assistance shall emphasize loans rather than grants wherever possible, and not less than 50 per centum of the funds appropriated pursuant to this section shall be available only for furnishing assistance on terms of repayment in accordance with the provisions of section 505, and not more than 25 per centum of said funds may be allocated for assistance to any one nation.

(d) In utilizing the Fund the President shall give preference to projects or programs that will clearly contribute to promoting greater economic strength in the area as a whole or among a group or groups of countries of the area.

SEC. 419. WORLD HEALTH ORGANIZATION.—Section 3 (a) of Public Law 643, Eightieth Congress, approved June 14, 1948, as amended, is hereby amended to read as follows: ¹

"(a) such sums as may be necessary for the payment by the United States of its share of the expenses of the Organization as apportioned by the Health Assembly in accordance with article 56 of the constitution of the Organization, except that payments by the United States for any fiscal year of the Organization after 1958 shall not exceed 33½ per centum of the total assessments of active members of the Organization for such fiscal year; and'."

TITLE V—MISCELLANEOUS PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

SEC. 501. TRANSFERABILITY OF FUNDS.—Whenever the President determines it to be necessary for the purposes of this Act, not to exceed 10 per centum of the funds made available pursuant to any provision of this Act may be transferred to and consolidated with the

¹ The introductory paragraph of sec. 3 reads as follows: "There are authorized to be appropriated to the Department of State for contribution to the working capital fund of the organization the sum of \$560,000 and as annual appropriations the following . . ."

funds made available pursuant to any other provisions of this Act, and may be used for any of the purposes for which such funds may be used, except that the total in the provision for the benefit of which the transfer is made shall not be increased by more than 20 per centum of the amount made available for such provision pursuant to this Act. Funds transferred under this section to furnish military assistance under chapter 1 of title I may be expended without regard to the area limits imposed by section 105 (c). Of any funds transferred under this section for the purpose of furnishing assistance under section 201, 30 per centum shall be available only for furnishing assistance on terms of repayment in accordance with section 505. . . .

SEC. 502. USE OF FOREIGN CURRENCY.—(a) Notwithstanding section 1415 of the Supplemental Appropriation Act, 1953, or any other provision of law, proceeds of sales made under section 550 of the Mutual Security Act of 1951, as amended, shall remain available and shall be used for any purposes of this Act, giving particular regard to the following purposes—

(1) for providing military assistance to nations or mutual defense organizations eligible to receive assistance under this Act;

(2) for purchase of goods or services in friendly nations;

(3) for loans, under applicable provisions of this Act, to increase production of goods or services, including strategic materials, needed in any nation with which an agreement was negotiated, or in other friendly nations, with the authority to use currencies received in repayment for the purposes stated in this section or for deposit to the general account of the Treasury of the United States;

(4) for developing new markets on a mutually beneficial basis;

(5) for grants-in-aid to increase production for domestic needs in friendly countries; and

(6) for purchasing materials for United States stockpiles.

SEC. 503. TERMINATION OF ASSISTANCE.—(a) If the President determines that the furnishing of assistance to any nation under any provision of this Act—

(1) is no longer consistent with the national interest or security or the foreign policy of the United States; or

(2) would no longer contribute effectively to the purposes for which such assistance is furnished; or

(3) is no longer consistent with the obligations and responsibilities of the United States under the Charter of the United Nations,

he shall terminate all or part of any assistance furnished pursuant to this Act. If the President determines that any nation which is receiving assistance under chapter 1 of title I of this Act is not making its full contribution to its own defense or to the defense of the area of which it is a part, he shall terminate all or part of such assistance. Assistance to any nation under any provision of this Act may, unless sooner terminated by the President, be terminated by concurrent resolution. Funds made available under this Act shall remain avail-

able for twelve months from the date of termination under this subsection for the necessary expenses of liquidating assistance programs.

(b)¹ Unless sooner abolished under section 525, the Foreign Operations Administration shall cease to exist at the close of June 30, 1955.

SEC. 504. SMALL BUSINESS.—(a) Insofar as practicable and to the maximum extent consistent with the accomplishment of the purposes of this Act, the President shall assist American small business to participate equitably in the furnishing of commodities and services financed with funds authorized under titles II, III, and IV, and chapters 2 and 3 of title I, of this Act—

(1) by causing to be made available to suppliers in the United States and particularly to small independent enterprises, information, as far in advance as possible, with respect to purchases proposed to be financed with such funds,

(2) by causing to be made available to prospective purchasers in the nations receiving assistance under this Act information as to commodities and services produced by small independent enterprises in the United States, and

(3) by providing for additional services to give small business better opportunities to participate in the furnishing of commodities and services financed with such funds.

(b) There shall be an Office of Small Business, headed by a Special Assistant for Small Business, in such United States Government agency as the President may direct,² to assist in carrying out the provisions of subsection (a) of this section.

(c) The Secretary of Defense shall assure that there is made available to suppliers in the United States, and particularly to small independent enterprises, information with respect to purchases made by the Department of Defense pursuant to chapter 1 of title I, such information to be furnished as far in advance as possible.

SEC. 505.³ LOAN ASSISTANCE AND SALES.—(a) Assistance under this Act may be furnished on a grant basis or on such terms, including

¹ This subsection which appeared as subsection “(c)” in the Mutual Security Act of 1954 was amended to read “(b)”, and the former subsection “(b)” was repealed, by sec. 9 (b) of the Mutual Security Act of 1955. Former subsection “(b)” read as follows: “(b) (1) After June 30, 1955, none of the authority conferred by this Act may be exercised for the purpose of carrying out any function authorized by title II; except that during the twelve months following such date (i) funds which have been obligated on or before that date shall remain available for expenditure, (ii) equipment, materials, commodities, and services with respect to which funds have been obligated on or before such date for *procurement for*, shipment to, or delivery in a recipient country may be transferred to such country, and (iii) funds appropriated under authority of this Act may be obligated (A) for the necessary expenses of procurement, shipment, delivery, and other activities essential to such transfer and (B) for the necessary expenses of liquidating operations incident to such functions.”

² SEC. 101 (d) of Ex. Or. 10575 [*infra*, doc. 18], as amended, established the Office of Small Business in the Foreign Operations Administration. It was subsequently transferred to the State Department by sec. 102 (d) of Ex. Or. 10610 [*infra*, doc. 19] and was made a part of, or attached to the International Cooperation Administration by sec. 1 of Department of State Delegation of Authority 85, as amended.

³ The words “and sales” in the heading were added by sec. 9 (c) (1) of the Mutual Security Act of 1955.

cash, credit, or other terms of repayment (including repayment in foreign currencies or by transfer to the United States of materials required for stockpiling or other purposes) as may be determined to be best suited to the achievement of the purposes of this Act and shall emphasize loans rather than grants wherever possible. Whenever commodities or services are sold for foreign currencies the President, notwithstanding section 1415 of the Supplemental Appropriation Act, 1953, or any other provision of law, may use or enter into arrangements with friendly nations or organizations of nations to use such currencies for the purposes for which the funds providing the commodities or services which generated the currencies were appropriated.¹

SEC. 506. PATENTS AND TECHNICAL INFORMATION.— . . .

SEC. 507. AVAILABILITY OF FUNDS.—Except . . .

SEC. 508. LIMITATION ON FUNDS FOR PROPAGANDA.—None of the funds herein authorized to be appropriated nor any counterpart funds shall be used to pay for personal services or printing, or for other expenses of the dissemination within the United States of general propaganda in support of the mutual security program, or to pay the travel or other expenses outside the United States of any citizen or group of citizens of the United States for the purpose of publicizing such program within the United States.

SEC. 509. SHIPPING ON UNITED STATES VESSELS.—Such steps as may be necessary shall be taken to assure, as far as practicable, that at least 50 per centum of the gross tonnage of commodities, materials and equipment procured out of funds made available under sections 103, 123, 131, 132 (a), 201, 304, and 403 of this Act and transported to or from the United States on ocean vessels, computed separately for dry bulk carriers, dry cargo liner and tanker services and computed separately for section 103, and for sections 123, 131, 132 (a), 201, 304, and 403 (taken together) is so transported on United States flag commercial vessels to the extent such vessels are available at market rates for United States flag commercial vessels provided such rates are fair and reasonable; and, in the administration of this provision, steps shall be taken, insofar as practicable and consistent with the purposes of this Act, to secure a fair and reasonable participation by United States flag commercial vessels in cargoes by geographic area.² The ocean transportation between foreign countries of commodities, materials, and equipment procured out of local currency funds made available or derived from funds made available under this Act shall not be governed by the provisions of section 901 (b) of the Merchant Marine Act of 1936, or any other law relating to the ocean transportation of commodities, materials, and equipment on United States flag vessels.³

SEC. 510. PURCHASE OF COMMODITIES.—No funds made available

¹ The words in the first sentence commencing with "and shall emphasize loans," and the second sentence, were added by sec. 9 (c) of the Mutual Security Act of 1955.

² See also 1954 amendment to the Merchant Marine Act of 1936 (PL 664, 83d Cong.; 68 Stat. 832).

³ This sentence was added by sec. 9 (d) of the Mutual Security Act of 1955.

under title II or chapter 3 of title I of this Act shall be used for the purchase in bulk of any commodities at prices higher than the market price prevailing in the United States at the time of purchase adjusted for differences in the cost of transportation to destination, quality, and terms of payment. A bulk purchase within the meaning of this section does not include the purchase of raw cotton in bales. Funds made available under title II or chapter 3 of title I of this Act may be used for the procurement of commodities outside the United States unless the President determines that such procurement will result in adverse effects upon the economy of the United States, with special reference to any areas of labor surplus, or upon the industrial mobilization base, which outweigh the economic advantages to the United States of less costly procurement abroad. In providing for the procurement of any surplus agricultural commodity for transfer by grant under this Act to any recipient nation in accordance with the requirements of such nation, the President shall, insofar as practicable and where in furtherance of the purposes of this Act, authorize the procurement of such surplus agricultural commodity only within the United States except to the extent that any such surplus agricultural commodity is not available in the United States in sufficient quantities to supply the requirements of the nations receiving assistance under this Act.

SEC. 511. RETENTION AND RETURN OF EQUIPMENT.—(a) No equipment or materials may be transferred under title I out of military stocks if the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such transfer would be detrimental to the national security of the United States, or that such equipment or materials are needed by the reserve components of the Armed Forces to meet their training requirements.

(b) Any equipment, materials, or commodities procured to carry out this Act shall be retained by, or, upon reimbursement, transferred to and for the use of, such United States Government agency as the President may determine in lieu of being disposed of to a foreign nation or international organization whenever in the judgment of the President the best interests of the United States will be served thereby, or whenever such retention is called for by concurrent resolution. Any commodities so retained may be disposed of without regard to provisions of law relating to the disposal of Government-owned property, when necessary to prevent spoilage or wastage of such commodities or to conserve the usefulness thereof. Funds realized from any such disposal or transfer shall revert to the respective appropriation or appropriations out of which funds were expended for the procurement of such equipment, materials, or commodities or to appropriations currently available for such procurement.

(c) The President shall make appropriate arrangements with each nation receiving equipment or materials under chapter 1 of title I (other than equipment or materials sold under the provisions of section 106) for the return to the United States (1) for salvage or scrap, or (2) for such other disposition as the President shall deem to be in the interest of mutual security, of any such equipment or materials which

no longer required for the purposes for which originally made available.

SEC. 512. PENAL PROVISION.— . . .

SEC. 513. NOTICE TO LEGISLATIVE COMMITTEES.—When any transaction is made under section 105 (d) or section 501, or any other action taken under this Act which will result in furnishing assistance of any kind, for a purpose, or to an area, substantially different from that included in the presentation to the Congress during its consideration of this Act, or which will result in expenditures greater by 50 per centum or more than the proposed expenditures included in such presentation for the program concerned, the President or such officer as he may designate shall promptly notify the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives and, when military assistance is involved, the Committees on Armed Services of the Senate and House of Representatives, stating the justification for such change. Notice shall also be given to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives in any determination under the first sentence of section 401 (except with respect to unvouchered funds), and copies of any certification of loyalty under section 531 shall be filed with such committees.

SEC. 514. INTERNATIONAL EDUCATIONAL EXCHANGE ACTIVITIES.—Foreign currencies or credits owed to or owned by the United States, here arising from this Act or otherwise, shall, upon a request from the Secretary of State certifying that such funds are required for the purpose of international educational exchange activities under programs authorized by section 32 (b) (2) of the Surplus Property Act of 1944, as amended,¹ be reserved by the Secretary of the Treasury for sale to the Department of State for such activities on the basis of the dollar value at the time of the reservation.

CHAPTER 2. ORGANIZATION AND ADMINISTRATION

SEC. 521. DELEGATION OF AUTHORITY BY THE PRESIDENT.—(a) Except as provided in subsection (b), the President may exercise any power or authority conferred on him by this Act through such agency or officer of the United States as he shall direct, and the head of such agency or such officer may from time to time promulgate such rules and regulations as may be necessary and proper to carry out functions under this Act and may delegate authority to perform any of such functions to his subordinates acting under his direction.²

(b) After June 30, 1955, the President shall exercise the powers conferred upon him under title III of this Act through the Secretary of State.³

¹ 50 U.S.C., app. 1641.

² See Ex. Or. 10575, as amended [*infra*, doc. 18], Ex. Or. 10610 [*infra*, doc 19]; and State Department Delegation of Authority 85, as amended (20 *Fed. Reg.* 4825, as amended by 20 *Fed. Reg.* 7950).

³ See Ex. Or. 10610 [*infra*, doc. 19] and State Department Delegation of Authority 85, as amended.

SEC. 522. ALLOCATION AND REIMBURSEMENT AMONG AGENCIES.—

SEC. 523. COORDINATION WITH FOREIGN POLICY.—(a) Nothing contained in this Act shall be construed to infringe upon the powers or functions of the Secretary of State.

(b) The President shall prescribe appropriate procedures to assure coordination among representatives of the United States Government in each country, under the leadership of the Chief of the United States Diplomatic Mission.¹

SEC. 524. THE SECRETARY OF DEFENSE.—(a) In the case of aid under chapter 1 of title I of this Act, the Secretary of Defense shall have primary responsibility for—

- (1) the determination of military end-item requirements;
- (2) the procurement of military equipment in a manner which permits its integration with service programs;
- (3) the supervision of end-item use by the recipient countries;²
- (4) the supervision of the training of foreign military personnel;
- (5) the movement and delivery of military end-items; and
- (6) within the Department of Defense, the performance of any other functions with respect to the furnishing of military assistance.

(b) The establishment of priorities in the procurement, delivery, and allocation of military equipment shall be determined by the Secretary of Defense. The determination of the value of the program for any country under chapter 1 of title I shall be made by the President.³

SEC. 525. FOREIGN OPERATIONS ADMINISTRATION.—Except as modified pursuant to this section or section 521, the Director of the Foreign Operations Administration (referred to in this chapter as the "Director") shall continue to perform the functions vested in him on the effective date of this Act,⁴ except insofar as such functions relate to continuous supervision and general direction of programs of military assistance. The President may transfer to any agency or officer of the United States, and may modify or abolish, any function, office, or entity of the Foreign Operations Administration (including any function, office or entity thereof transferred to any other agency)⁵ or any officer or employee thereof, and may transfer such personnel, property, records, and funds as may be necessary incident thereto: *Provided*, That such authority conferred by this sentence shall be exercised in

¹ See Part II of Ex. Or. 10575 [*infra*, doc. 18], as amended (20 *Fed. Reg.* 5571).

² The words "end use item" were substituted for "end-items used" by sec. 10 (a) of the Mutual Security Act of 1955.

³ See sec. 3a. (3) (c) of State Department Delegation of Authority No. 85, as amended.

⁴ See Ex. Or. 10575, as amended, the Presidential letter of Nov. 6, 1954, accompanying Ex. Or. 10610, the Presidential letter of Apr. 15, 1955, to the Secretary of State, Ex. Or. 10610, and State Department Delegation of Authority 85, as amended.

⁵ The material in parentheses was added by sec. 10 (b) of the Mutual Security Act of 1955.

accordance with applicable laws and regulations relating to the Civil Service and Veterans' Preference.¹

SEC. 526. MISSIONS AND STAFFS ABROAD.—The President may maintain special missions or staffs abroad in such nations and for such periods of time as may be necessary to carry out this Act. Each such special mission or staff shall be under the direction of a chief. The chief and his deputy shall be appointed by the President and may, notwithstanding any other law, be removed by the President at his discretion. . . .

SEC. 527. EMPLOYMENT OF PERSONNEL.—(a) Any United States Government agency performing functions under this Act is authorized to employ such personnel as the President deems necessary to carry out the provisions and purposes of this Act. . . .

SEC. 528. DETAIL OF PERSONNEL TO FOREIGN GOVERNMENTS.²—(a) Whenever the President determines it to be consistent with and in furtherance of the purposes of this Act, the head of any United States Government agency is authorized to detail or assign any officer or employee of his agency to any office or position to which no compensation is attached with any foreign government or foreign government agency: *Provided*, That such acceptance of office shall in no case involve the taking of an oath of allegiance to another government. . . .

SEC. 529. DETAIL OF PERSONNEL TO INTERNATIONAL ORGANIZATIONS.— . . .

SEC. 530. EXPERTS AND CONSULTANTS OR ORGANIZATIONS THEREOF.— . . .

SEC. 531. SECURITY CLEARANCE.— . . .

SEC. 532. EXEMPTION OF PERSONNEL FROM CERTAIN FEDERAL LAWS.— . . .

SEC. 533. WAIVERS OF CERTAIN FEDERAL LAWS.— . . .

SEC. 534. REPORTS.—The President, from time to time while funds appropriated for the purpose of this Act continue to be available for obligation, shall transmit to the Congress reports covering each six months of operations, in furtherance of the purposes of this Act, except information the disclosure of which he deems incompatible with the security of the United States. Reports provided for under this section shall be transmitted to the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, if the Senate or the House of Representatives, as the case may be, is not in session. Such reports shall include detailed information on the implementation of sections 504, 413 (b), and 418³ of this Act.

¹ The proviso was added by sec. 10 (b) of the Mutual Security Act of 1955.

² See also secs. 301–303 of the U.S. Information and Educational Exchange Act of 1948 (Smith-Mundt Act), 62 Stat. 6; 22 U.S.C. § 1431 [also, *A Decade of American Foreign Policy*, pp. 1224–1234].

³ The words "and 418" were added by sec. 10 (e) of the Mutual Security Act of 1955.

SEC. 535. COOPERATION WITH INTERNATIONAL ORGANIZATIONS.—(a) The President is authorized to request the cooperation of or the use of the services and facilities of the United Nations, its organs and specialized agencies, or other international organizations, in carrying out the purposes of this Act, and may make payments by advancements or reimbursements, for such purposes, out of funds made available for the purposes of this Act, as may be necessary therefor, to the extent that special compensation is usually required for such services and facilities: *Provided*, That nothing in this section shall be construed to authorize the delegation to any international or foreign organization or agency of authority to decide the method of furnishing assistance under this Act to any country or the amount thereof.

SEC. 536. JOINT COMMISSION ON RURAL RECONSTRUCTION IN CHINA.—The President is authorized to continue to participate in the Joint Commission on Rural Reconstruction in China and to appoint citizens of the United States to the Commission.

CHAPTER 3. REPEAL AND MISCELLANEOUS PROVISIONS

SEC. 541. EFFECTIVE DATE.—This Act shall take effect on the date of its enactment.

SEC. 542. STATUTES REPEALED.—(a) There are hereby repealed—

(1) an Act to provide for assistance to Greece and Turkey, approved May 22, 1947, as amended;¹

(2) the joint resolution to provide for relief assistance to the people of countries devastated by war, approved May 31, 1947, as amended;²

(3) the Foreign Aid Act of 1947;³

(4) the Foreign Assistance Act of 1948, as amended;⁴ including the Economic Cooperation Act of 1948, as amended,⁵ the International Children's Emergency Fund Assistance Act of 1948, as amended,⁶ the Greek-Turkish Assistance Act of 1948,⁷ and the China Aid Act of 1948, as amended;⁸

(5) the Mutual Defense Assistance Act of 1949, as amended;⁹

(6) the Foreign Economic Assistance Act of 1950, as amended;¹⁰ including the Economic Cooperation Act of 1950,¹¹ the China Area Aid Act of 1950, as amended,¹² the United Nations Palestine Refugee Aid Act of 1950,¹³ and the Act for International Development, as amended;¹⁴

(7) the Far Eastern Economic Assistance Act of 1950, as amended;¹⁵

(8) the Yugoslav Emergency Relief Assistance Act of 1950;¹⁶

¹ 22 U. S. C. § 1401 note.

² 22 U. S. C. § 1411-1417.

³ 22 U. S. C. § 1411 note.

⁴ 22 U. S. C. § 1503 note.

⁵ 22 U. S. C. § 1501 note.

⁶ 22 U. S. C. § 1531 note.

⁷ 22 U. S. C. § 1409 note.

⁸ 22 U. S. C. § 1541 note.

⁹ 22 U. S. C. § 1571 note.

¹⁰ 22 U. S. C. § 1501 note.

¹¹ 22 U. S. C. § 1501 note.

¹² 22 U. S. C. § 1547 note.

¹³ 22 U. S. C. § 1556 note.

¹⁴ 22 U. S. C. § 1557 note.

¹⁵ 22 U. S. C. § 1551 note.

¹⁶ 22 U. S. C. § 1558.

- (9) the Mutual Security Act of 1951, as amended;¹
- (10) the Mutual Security Act of 1952;¹
- (11) the Mutual Security Act of 1953;²
- (12) section 12 of the joint resolution of Congress approved November 4, 1939 (54 Stat. 10; 22 U. S. C. 452);
- (13) section 4 of the Act of March 3, 1925 (50 Stat. 887; 50 U. S. C. 165); and
- (14) section 968 of title 18, United States Code.

(b) References in other Acts to the Acts listed in subsection (a) shall hereafter be considered to be references to the appropriate provisions of this Act.

(c) The repeal of the Acts listed in subsection (a) shall not be deemed to affect amendments contained in such Acts to acts not named in subsection (a).

SEC. 543. SAVING PROVISIONS.— . . .

SEC. 544. AMENDMENTS TO OTHER LAWS.—(a) Title X of the United States Information and Educational Exchange Act of 1948, as amended (22 U. S. C. 1431), is amended by adding the following new section:

“INFORMATIONAL MEDIA GUARANTIES

“SEC. 1011. The Director of the United States Information Agency may make guaranties, in accordance with the provisions of subsection (b) of section 413 of the Mutual Security Act of 1954, of investments in enterprises producing or distributing informational media consistent with the national interests of the United States against funds heretofore made available by notes issued to the Secretary of the Treasury pursuant to section 111

(c) (2) of the Economic Cooperation Act of 1948, as amended, for purposes of guaranties of investments: *Provided, however,* That the amount of such guaranties in any fiscal year shall be determined by the President but shall not exceed \$10,000,000.”

(b) Section 1 of Public Law 283, Eighty-first Congress is repealed. The Institute of Inter-American Affairs, created pursuant to Public Law 369, Eightieth Congress (22 U. S. C. 281), shall have succession until June 30, 1960, and may make contracts for periods not to exceed five years: *Provided,* That any contract extending beyond June 30, 1960, shall be made subject to termination by the said Institute upon notice: *And provided further,* That the said Institute shall, on and after July 1, 1954, be subject to the applicable provisions of the Budget and Accounting Act, 1921, as amended (31 U. S. C. 1), in lieu of the provisions of the Government Corporation Control Act, as amended (31 U. S. C. 841).

SEC. 545. DEFINITIONS.—For the purposes of this Act—

(a) The term “commodity” includes any commodity, material, article, supply, or goods.

(b) The term “surplus agricultural commodity” means any agricultural commodity or product thereof, class, kind, type, or other

¹ 22 U. S. C. § 1651 note.

² 22 U. S. C. § 1675i note.

specification thereof, produced in the United States either publicly or privately owned, which is in excess of domestic requirements, adequate carryover, and anticipated exports for dollars, as determined by the Secretary of Agriculture.

(c) The terms "equipment" and "materials" shall mean any arms, ammunition, or implements of war, or any other type of material, article, raw material, facility, tool, machine, supply or item that would further the purpose of chapter 1 of title I, or any component or part thereof, used or required for use in connection therewith, or required in or for the manufacture, production, processing, storage, transportation, repair, or rehabilitation of any equipment or materials, but shall not include merchant vessels.¹

(d) The term "mobilization reserve," as used with respect to any equipment or materials, means the quantity of such equipment or materials determined by the Secretary of Defense under regulations prescribed by the President to be required to support mobilization of the Armed Forces of the United States in the event of war or national emergency until such time as adequate additional quantities of such equipment or materials can be procured.

(e) The term "excess" as used with respect to any equipment or materials, means the quantity of such equipment or materials owned by the United States which is in excess of the mobilization reserve of such equipment or materials.

(f) The term "services" shall include any service, repair, training of personnel, or technical or other assistance or information necessary to effectuate the purposes of this Act.

(g) The term "Armed Forces of the United States" shall include any component of the Army of the United States, of the United States Navy, of the United States Marine Corps, of the Air Force of the United States, of the United States Coast Guard, and the Reserve components thereof.

(h) The term "value" means—

(1) with respect to any excess equipment or materials furnished under chapter 1 of title I the gross cost of repairing, rehabilitating, or modifying such equipment or materials prior to being so furnished;

(2) with respect to any nonexcess equipment or materials furnished under chapter 1 of title I which are taken from the mobilization reserve (other than equipment or materials referred to in paragraph (3) of this subsection), the actual or the projected (computed as accurately as practicable) cost of procuring for the mobilization reserve an equal quantity of such equipment or materials or an equivalent quantity of equipment or materials of the same general type but deemed to be more desirable for inclusion in the mobilization reserve than the equipment or materials furnished;

(3) with respect to any nonexcess equipment or materials

¹ For limitations on the transfer of naval vessels, see the Act of March 10, 1951, 65 Stat. 4, 34 U. S. C. 493-a-1; for text of act of Aug. 5, 1953, authorizing transfer of certain vessels, see 67 Stat. 363 as amended by 69 Stat. 373.

furnished under chapter 1 of title I which are taken from the mobilization reserve but with respect to which the Secretary of Defense has certified that it is not necessary fully to replace such equipment or materials in the mobilization reserve, the gross cost to the United States of such equipment and materials or its replacement cost, whichever the Secretary of Defense may specify; and

(4) with respect to any equipment or materials furnished under chapter 1 of title I which are procured for the purpose of being so furnished, the gross cost to the United States of such equipment and materials.

In determining the gross cost incurred by any agency in repairing, rehabilitating, or modifying any excess equipment furnished under chapter 1 of title I, all parts, accessories, or other materials used in the course of repair, rehabilitation, or modification shall be priced in accordance with the current standard pricing policies of such agency. For the purpose of this subsection, the gross cost of any equipment or materials taken from the mobilization reserve means either the actual gross cost to the United States of that particular equipment or materials or the estimated gross cost to the United States of that particular equipment or materials obtained by multiplying the number of units of such particular equipment or materials by the average gross cost of each unit of that equipment and materials owned by the furnishing agency.

(i) The term "United States Government agency" means any department, agency, board, wholly or partly owned corporation, or instrumentality, commission, or establishment of the United States Government.

SEC. 546. CONSTRUCTION.—(a) If any provisions of this Act or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of the Act and applicability of such provision to other circumstances or persons shall not be affected thereby.

(b) Nothing in this Act shall alter, amend, revoke, repeal, or otherwise affect the provisions of the Atomic Energy Act of 1946, as amended (42 U. S. C. 1801).

(c) Nothing in this Act is intended nor shall it be construed as an expressed or implied commitment to provide any specific assistance, whether of funds, commodities, or services, to any nation or nations, or to any international organization.

SEC. 547. REDUCTION OF AUTHORIZATIONS.—Notwithstanding the foregoing provisions of this Act, such provisions shall not be construed to authorize the appropriation for the fiscal year 1955, for the purposes of titles I, II, and IV of this Act, of amounts (exclusive of unexpended balances of prior appropriations authorized to be continued available under such provisions) aggregating in excess of \$2,918,040,000.

SEC. 548. UNEXPENDED BALANCES.—Unexpended balances of funds heretofore made available under authority of this Act are hereby authorized to be continued available for the general purposes for which appropriated, and may be consolidated with appropriations made available beginning in fiscal year 1956 for the same general

purposes under the authority of this Act: *Provided, however*, That unexpended balances in excess of \$200,000,000 not obligated by June 30, 1955, in accordance with the provisions of section 1311 of the Supplemental Appropriation Act, 1955 (Public Law 663, Eighty-third Congress), or reserved in accordance with the provisions of section 110 of the Mutual Security Appropriation Act, 1955 (Public Law 778, Eighty-third Congress),¹ are not authorized to be continued available after such date.

SEC. 549. (a) STATEMENT OF CONGRESSIONAL POLICY.—It is the sense of the Congress that inasmuch as—

(1) the United States, through mutual security programs, has made substantial contributions to the economic recovery and rehabilitation of the nations of western Europe;

(2) due in part to those programs, it has been possible for such nations to achieve complete economic recovery and to regain their military strength; and

(3) certain other friendly nations of the world remain in need of assistance in order that they may defend themselves against aggression and contribute to the security of the free world, those nations that have been assisted in their recovery should, in the future, share with the United States to a greater extent the financial burden of providing aid to those countries which are still in need of assistance of the type provided under this Act.

(b) It is the sense of the Congress that assistance under this Act shall be administered so as to assist other peoples in their efforts to achieve self-government or independence under circumstances which will enable them to assume an equal station among the free nations of the world and to fulfill their responsibilities for self-government or independence.

17. DEVELOPMENT OF THE TECHNICAL ASSISTANCE PROGRAM: Release of the Foreign Operations Administration, 1954 (Excerpt)²

It is important to the people of the United States that the less-developed areas share in the technical advances that will help them become strong partners in the free world. Our strength and well-being are dependent in good measure on theirs.

By helping these areas raise the standards of living of their peoples, we can move forward in an expanding world economy.

¹ 22 U.S.C. § 1819 (Appropriations for Military Assistance).

² *Technical Cooperation Programs Around the World*, Foreign Operations Administration, 1954, pp. 2-10. For further documentation on the subject of technical assistance, see *Development of Technical Assistance Programs: Background Information and Documents*, 83d Cong., 2d sess., Committee on Foreign Relations Print, Nov. 22, 1954; *Technical Assistance and Related Problems*, S. Rept. No. 1956, 84th Cong., 2d sess., May 7, 1956; *Partners in Progress: A Report to the President by the International Development Advisory Board* (Rockefeller Report), Mar. 7, 1951 (GPO, 1951).

As of September 1, 1954, the United States was working directly with 59 countries, upon their request, to help build the technical knowledge and skills of their peoples. Of these, 39 were independent nations, 19 were dependent overseas territories in Africa and the Caribbean area, and one was a United Nations Trusteeship. The joint technical programs are designed to help other peoples develop ways to help themselves, to strengthen their economies, to make them more effective trading partners, and to contribute to the collective security of the free world.

These 59 countries, representing more than 900 million people, have asked the United States to share with them the technical knowledge and skills that have played so great a part in our own development. All of these countries want to better themselves and the lives of their peoples. They want their farmers to learn how to grow more food; they want to overcome the ravages of disease; they want greater opportunity for their children.

Many of these nations have gained their independence since World War II, and, strongly nationalistic, are anxious to maintain their independence and freedom. Their political leaders have promised to improve the lot of the people, and want to make that promise good. Failure to do so can breed unrest and strife, and adversely affect the interests of the U.S.

By helping to strengthen the economies, security, and independence of other free peoples, the United States enhances its own future. It helps build the mutual security of the free world.

In the sharing of scientific findings and modern techniques, there is a two-way flow of benefits. The United States gains as well as the other countries. Mutual ties contribute both to peace and to progress.

As the strength of these countries grows, they become better customers for the goods of the United States. To note one instance, Peru in the last decade has made marked advances in its agriculture. One outgrowth has been more buying of farm machinery from the U.S. In 1942 there were fewer than 500 tractors in the country; now there are more than 4,500. In 1943 Peruvian purchases of U.S. farm machinery were \$453,000; in 1953 they reached \$5.6 million.

World trade is vital to the free nations. The United States gets strategic and other necessary materials from Latin America, the Far East, and other areas. These areas in turn benefit from the sales of their goods to us.

President Eisenhower last June advised the Congress that "our country's participation in technical cooperation programs must be vigorously advanced." He described the programs as "our most effective counter-measure to Soviet propaganda and the best method by which to create the political and social stability essential to lasting peace."

Again in August the President advised them that "technical cooperation has proved itself as a practical and productive concept and as the surest and most economical way, over the long term, to speed the advance toward an expanding world economy and a higher general standard of living."

GROWTH OF FOA PROGRAMS

Long before governmental programs in technical cooperation got under way, U.S. private organizations and institutions were sharing the benefits of technical knowledge with peoples abroad. Church groups, foundations, commercial firms, voluntary agencies, and others still carry on this work.

But their projects, unlike those of FOA,¹ operate in limited areas. The scope of FOA action is much broader; FOA works with host governments in programs for the extension of nationwide governmental services—in agriculture, health, education and other fields—to all the people. FOA coordinates its programs with those of the voluntary agencies and encourages these agencies to increase their activity.

Today's governmental programs of technical cooperation first took root in the Americas. They sprang from the fertile soil of inter-American agreements. A 1939 law authorized U.S. government agencies to carry out cooperative tasks based on these agreements, and an Interdepartmental Committee on Cooperation with American Republics was set up in May of that year.

World War II speeded up the process. As emergency needs arose, the Office of the Coordinator of Inter-American Affairs was established. It undertook programs largely to overcome the health hazards that stood in the way of obtaining essential materials, such as rubber and metals, and to meet the food needs of the people. After the war the Institute of Inter-American Affairs was reincorporated—to continue the cooperative programs. In Europe the U.S. took part in the European Recovery Program.

In 1949 President Truman asked for a broadened program to extend "the benefits of our scientific advances and industrial progress" to all the underdeveloped areas. The next year the Congress approved the Act for International Development and a Technical Cooperation Administration was set up in the Department of State. Technical assistance in some countries of the Far East, however, was handled by the Economic Cooperation Administration—later the Mutual Security Agency—which was also handling technical exchange programs with the industrial countries of Europe.

In 1953 President Eisenhower, for greater efficiency and economy in foreign operations, telescoped all three agencies—the IIAA, TCA and MSA—into the Foreign Operations Administration. FOA now conducts the cooperative programs with other nations.

Since its establishment by President Eisenhower in 1953, FOA has placed increasing emphasis on expanding the work of technical cooperation. Congress has provided increased funds, more technicians are in the field than ever before, and more American universities are helping in the exchange of technical knowledge.

Where necessary, technical cooperation programs are supplemented by assistance to key projects essential to the economic development of a country. This type of help, known as development assistance, is generally provided when the country lacks the material or financial

¹ Foreign Operations Administration.

capacity to undertake the needed projects itself or when the rate of economic progress without supplemental aid would not serve the best interests of the country and the United States. Development assistance and technical cooperation in these instances are combined into an integrated program directed toward the common objective of economic strength among the free nations.

THREE MAJOR AREAS

Today¹ the Foreign Operations Administration carries on U.S. technical cooperation in three major areas of the world—Latin America; the Near East, Africa and South Asia; and the Far East.

FOA is cooperating on technical problems with 19 independent countries of Latin America and with 9 dependent overseas territories in that area. The 19 nations include Mexico and three countries of the Caribbean area: Cuba, Haiti, and the Dominican Republic; they include the 6 countries of Central America: Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama; and they include 9 countries in South America: Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay, and Venezuela. The 9 dependent territories are Barbados; Trinidad and Tobago; Windward and Leeward Islands; British Guiana; Surinam; British Honduras; Jamaica; Netherlands Antilles; and French West Indies.

FOA is working in cooperative projects also in 13 countries of the Near East, Africa, and South Asia, and with 11 African dependent territories. The countries in Africa and the Near East are Egypt, Ethiopia, Iran, Iraq, Israel, Jordan, Lebanon, Liberia, and Libya; in South Asia are Afghanistan, India, Nepal, and Pakistan. The dependent territories include Tunisia, French Equatorial Africa, Madagascar, Angola, Mozambique, Belgian Congo, Gold Coast, the Central African Federation, Sierra Leone, Morocco, and Italian Somalia (U. N. Trusteeship).

FOA technical cooperation projects are under way also in seven countries of the Far East: China (Formosa), Cambodia, Laos, Vietnam, Indonesia, Philippines, and Thailand.

Once a country asks the United States for technical cooperation, a broad agreement is drawn up between the two governments. The requesting country agrees, among other things, (a) to bear a "fair share" of the costs, (b) to integrate the programs and to make good use of their results, and (c) to cooperate with other countries in technical programs.

This broad agreement is generally followed by detailed agreements on specific programs, each a part of the country's integrated plan for economic development. For example, after Iran and the United States in January 1952 agreed to undertake a technical program, a series of special agreements were spelled out. Three programs were agreed to in April 1952—one in agriculture, one in health, and one in education. Agreements were signed in May in the fields of industry, transportation, and community housing; they were followed in June by pro-

¹ 1954—FOA was succeeded by the International Cooperation Administration, which now administers the program; see *infra*, doc. 19.

grams for the development of natural resources and communications. Eight months later—in February 1953—a program in public administration was initiated in Iran.

Each of these agreements launched a series of technical projects. Under the agriculture program, for instance, members of the U.S. mission and representatives of the Iranian Ministry of Agriculture worked out a series of 17 projects. American technicians cooperated with ministry officials and local technicians in putting these projects into operation.

Efforts were turned first to developing basic research with emphasis on irrigation, seeds, and principal crops of Iran. Training was arranged for farm leaders from all parts of the country. A farm extension service was set up. Steps were taken to introduce better grains and to import livestock for the improvement of native breeds. Wide use of insecticides and pesticides was initiated. Tests of drought resistant grasses were begun.

In carrying out technical cooperation programs FOA draws on the specialized knowledge, skills, and experience of American universities, industry, and voluntary agencies as well as Federal and State agencies. It sends specialists abroad who help train local technicians, and it brings individuals from cooperating countries to the United States for advanced study or observation of techniques.

In the host countries U.S. technicians work side by side with ministry officials and local technicians. In Latin America, *Servicios*, that is, joint agencies made up of representatives of the host country and FOA, have been created within the individual ministries to carry out the joint programs and administer the joint funds. In some other countries a joint fund may be set up or joint planning may be done by committees of host government officials and U.S. mission officers. Projects are carried out with a view to increasing participation and responsibility on the part of the host country so that ultimately it can take over the work entirely.

In addition to benefitting the people immediately concerned, these programs have four major objectives:

1. To show what can be done by local people using available resources and better techniques.
2. To train local technicians who will then be able to pass their knowledge along to others—to set up a chain reaction for progress.
3. To contribute to the economic development of the whole country.
4. To help in the establishment of nationwide government agencies that will have the resources—people, know-how, organization, funds, and acceptance—to carry on their service activities without outside assistance.

COSTS ARE SHARED

The cost of technical cooperation to the United States taxpayer is relatively small. Based on allotments for the fiscal year, ended June 30, 1954, the cost per person is less than a penny and a half a week.

For the first year of operation under the Act for International Development, that is, for the 12 months ending June 30, 1951, allotments for technical cooperation were \$39 million. For fiscal years 1952 and 1953 allotments were \$127 and \$145 million respectively; allotments for 1954 were \$105 million; for the 12 months ending June 30, 1955, Congress provided \$116.5 million.¹

The contributions of the host countries to their technical cooperation programs average more than twice ours; in some cases their contributions exceed ours by many times—27 times in the health program in Brazil, for instance. As the programs gain momentum in any country, popular support grows and the government provides more funds, more facilities, and more personnel to this phase of the nation's economic development.

THE REVISED ADMINISTERING AUTHORITY UNDER THE MUTUAL SECURITY ACT OF 1954: Executive Order No. 10575, November 6, 1954²

By virtue of the authority vested in me by the Mutual Security Act of 1954 (68 Stat. 832), by section 301 of title 3 of the United States Code, and as President of the United States and Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

PART I. ASSIGNMENT OF FUNCTIONS AND FUNDS

Section 101. *Foreign Operations Administration.* (a) Exclusive of the functions otherwise delegated, or excluded from delegation, by this order, and subject to the provisions of this order, there are hereby delegated to the Director of the Foreign Operations Administration the functions conferred upon the President by the Mutual Security Act of 1954³ (hereinafter referred to as the Act) and by the Mutual Defense Assistance Control Act of 1951⁴ (65 Stat. 644; 22 U. S. C. 11-1613c).

(b) Subject to sections 103 and 107 (b) of this order, the Director of the Foreign Operations Administration shall administer sections 2, 505, and 201 of the Act. In determining upon the furnishing of

Funds for technical cooperation in 1954 and 1955 are not strictly comparable to those for earlier years. Included in the earlier allotments are funds which were either identified as "special economic aid" (fiscal 1954) and "development assistance" (fiscal 1955). For example, U.S. funds for the technical cooperation programs in Egypt are recorded as follows: \$12.6 million for 1953; \$3.2 million for 1954. However, included in the 1953 program was \$10 million for roadbuilding; this would now be identified as "development assistance" and not as "technical cooperation". [Footnote in the original.]

¹ 19 Fed. Reg. 7249. The title of this executive order reads "Administration of Foreign-Aid Functions."

² *Supra*, doc. 16.

³ *Supra*, doc. 15.

assistance on terms of repayment pursuant to sections 201 (a) and 505 of the Act, and upon the amounts and terms of such assistance, the Director of the Foreign Operations Administration shall consult with the National Advisory Council on International Monetary and Financial Problems in respect of policies relating to such assistance and terms. Whenever assistance on terms of repayment, under the said section 505, involves funds available under chapter 1 of Title I of the Act, the said Director shall consult with the Secretary of Defense with respect to the amounts and terms of such assistance. The Director of the Foreign Operations Administration shall also consult the said Council with respect to policies concerning the utilization of funds in the Special Account provided for in section 142 (11) of the Act and concerning such other matters as are within the cognizance of the Council pursuant to section 4 of the Bretton Woods Agreements Act.¹

(c) Pursuant to section 527 (c) (2) of the Act, it is directed that the authority made available to the Director of the United States Information Agency with respect to his functions by section 2 of Executive Order No. 10477 of August 1, 1953 (18 F. R. 4540), and by Executive Order No. 10522 of March 26, 1954 (19 F. R. 1689), subject to the provisions of law applicable in connection with such authority, may be utilized by the Director of the Foreign Operations Administration with respect to his functions.

(d) It is hereby directed that the Office of Small Business provided for in section 504 (b) of the Act shall be in the Foreign Operations Administration.

Section 102. *Department of Defense.* (a) Subject to the provisions of this order, there are hereby delegated to the Secretary of Defense:

(1) The functions conferred upon the President by chapter 1 of Title I of the Act, exclusive of (i) those so conferred by section 105 (b) (3) of the Act, (ii) so much of those so conferred by section 106 (b) of the Act as consists of determining that a nation or international organization may make available the fair value of equipment, materials, or services, sold thereto or rendered therefor, at a time or at times other than in advance of delivery of the equipment, materials, or services, and (iii) the functions reserved to the President by section 107 of this order.

(2) The functions conferred upon the President by sections 142 (7) and 511 (c) of the Act.

(3) So much of the functions conferred upon the President by sections 142 (10), 511 (b), 527 (a), 528, and 529 (a) of the Act as relates to other functions under the Act administered by the Department of Defense.

(b) The Secretary of Defense is hereby designated to make, with respect to equipment or materials procured for military assistance, the determinations provided for in section 107 of the Mutual Security Appropriation Act, 1955 (68 Stat. 1224).

¹ Act of July 31, 1945; *A Decade of American Foreign Policy*, pp. 305-311.

(c) The Secretary of Defense (1) shall exercise the responsibility and authority vested in him by the Act and the responsibility and authority delegated to him by this order subject to coordination by the Director of the Foreign Operations Administration, and (2) shall keep the Director of the Foreign Operations Administration fully and currently informed of all matters, including prospective action, relating to the utilization of funds under the Act, the establishment of priorities under section 524 (b) of the Act, and the furnishing of military items under chapter 1 of Title I of the Act.

Section 103. *Department of State.* (a) There are hereby delegated to the Secretary of State:

(1) The functions conferred upon the President by the laws referred to in section 101 (a) of this order with respect to negotiating and entering into international agreements.

(2) The functions conferred upon the President by sections 105 (b) (3), 405 (a), 413 (b) (2) and (3), and 529 (b) and (c) of the Act.

(3) The functions conferred upon the President by section 504 (a) (2) of the Act so far as they may relate to countries in which the Foreign Operations Administration does not have missions or employees.

(4) So much of the functions conferred upon the President by section 535 (a) of the Act as consists of requesting the cooperation of the United Nations, its organs, and specialized agencies or other international organizations in carrying out the purposes of the Act.

(b) The functions conferred upon the President by section 414 of the Act are hereby delegated to the Secretary of State. In connection with the carrying out of the said functions the Secretary of State shall consult with appropriate agencies of the Government. The designation by the Secretary of State of articles which shall be considered as arms, ammunition, and implements of war, including technical data relating thereto, under the said section 414 shall require the concurrence of the Secretary of Defense.

(c) The Secretary of State shall be responsible (1) for making the United States contributions under the Act to, and formulating and presenting with the assistance of the Director of the Foreign Operations Administration the policy of the United States with respect to the assistance programs of, the international organizations referred to in sections 132 (c), 306, 405 (a) and (c), 406, and 407 of the Act, and (2) for making the United States contribution under section 408 of the Act to the North Atlantic Treaty Organization for the United States' share of the expenses of the Organization.

(d) All functions under the Act and the other statutes referred to in sections 101 (a), 102 (b), and 105 (a) of this order, however vested, delegated, or assigned, shall be subject to the responsibilities of the Secretary of State with respect to the foreign policy of the United States.

(e) The maintenance of special missions or staffs abroad, the fixing of the ranks of the chiefs thereof after the chiefs of the United States

diplomatic missions, and the authorization of the same compensation and allowances as the chief of mission, Class 3 or Class 4, within the meaning of the Foreign Service Act of 1946 (22 U. S. C. 801 *et seq.*), all under section 526 of the Act, shall require the approval of the Secretary of State.

Section 104. *Department of Commerce.* (a) There is hereby delegated to the Secretary of Commerce so much of the functions conferred upon the President by section 413 (b) (1) of the Act as consists of drawing the attention of private enterprise to opportunities for investment and development in other free nations.

(b) The Secretary of Commerce is hereby designated as the officer through whom shall be carried out the functions provided for in section 416 of the Act.

Section 105. *United States Information Agency.* (a) The functions conferred upon the President by section 1011 of the United States Information and Educational Exchange Act of 1948¹ (62 Stat. 6), as amended, are hereby delegated to the Director of the United States Information Agency and shall be carried out in consultation with the Director of the Foreign Operations Administration.

(b) The United States Information Agency shall perform the functions provided for by law with respect to publicizing abroad the activities carried out under the Act.

Section 106. *Allocation of funds.* (a) Funds appropriated or otherwise made available to the President shall be deemed to be allocated without any further action of the President as follows:

(1) Funds for carrying out chapter 1 of Title I of the Act are allocated to the Secretary of Defense, but, for the purposes of the second sentence of section 110 of the Mutual Security Appropriation Act, 1955 (68 Stat. 1224), such funds shall be available only when and in such amounts as they have been apportioned, for use, by the Bureau of the Budget.

(2) All funds for carrying out the Act except those for carrying out chapter 1 of Title I of the Act are allocated to the Director of the Foreign Operations Administration.

(b) The said funds may be allocated by the Secretary of Defense and the Director of the Foreign Operations Administration, respectively, to any agency, department, establishment, or wholly-owned corporation of the Government for obligation or expenditure thereby consistent with applicable law, subject, however, to the provisions of section 107 (a) (2) hereof. The utilization of funds without regard to the existing laws governing the obligation and expenditure of Government funds as authorized by section 411 (b) of the Act shall be limited as far as practicable and shall in any event be confined to instances in which such utilization is deemed (1) to further the more

¹ *A Decade of American Foreign Policy*, pp. 1224-1234.

economical, efficient, or expeditious carrying out of functions under the Act, and (2) to obviate or mitigate hardship occurring with respect to personnel administering functions under the Act in connection with the administration of these functions or with respect to the families of personnel by reason of the duties of the respective heads.

(c) The Director of the Foreign Operations Administration shall allocate funds to the Department of State for the contributions referred to in section 103 (c) of this order.

Section 107. *Reservation of functions to the President.* (a) There are hereby excluded from the functions delegated by the foregoing provisions of this order:

(1) The functions conferred upon the President by the Act with respect to the appointment of officers required to be appointed by and with the advice and consent of the Senate, the transmittal of periodic or special reports to the Congress, and the termination or withdrawal of assistance.

(2) The functions conferred upon the President with respect to findings, determinations, certification, agreements, directives, or transfers of funds, as the case may be, by sections 104 (b), 105, 132 (a), 141, 401, 403, 404, 410, 501, 503, 521, and 522 (b) of the Act, and by sections 103 (b), 104, 203, and 301 of the Mutual Defense Assistance Control Act of 1951.

(3) The functions conferred upon the President by sections 101, 107 (a) (2), 415, 525, 533, and 545 (d) of the Act and, subject to Part II hereof, the functions so conferred by section 523 (b) of the Act.

(4) The functions conferred upon the President by section 121 of the Act, including all of the functions so conferred with respect to waiving specific provisions of section 142 of the Act, but otherwise excluding so much of the functions conferred upon the President by the said section 121 as may relate to assistance for the support of forces and other expenditures within Indo-China and either is financed from the unexpended balances of appropriations made pursuant to sections 304 and 540 of the Mutual Security Act of 1951, as amended, or is within an obligational limitation of \$150,000,000 additional to the said unexpended balances.

(5) So much of the functions conferred upon the President by section 409 (d) of the Act as may relate to funds allocated to the Department of Defense by this order.

(b) The President shall hereafter determine the portions of the sum of \$350,000,000 provided for in section 402 of the Act and the portions of the sum of \$200,000,000 provided for in section 505 (b) of the Act which shall be applicable to funds allocated pursuant to the Act to the Foreign Operations Administration and the Department of Defense, respectively.

PART II. PROCEDURES FOR COORDINATION ABROAD

Section 201. *Functions of the Chief of the United States Diplomatic Mission.* (a) The Chief of the United States Diplomatic Mission in each country, as the representative of the President, shall serve as the channel of authority on foreign policy and shall provide foreign policy direction to all representatives of United States agencies in such country.

(b) The Chief of the United States Diplomatic Mission in each country, as the representative of the President and acting on his behalf, shall coordinate the activities of the representatives of United States agencies (including the chiefs of economic and technical assistance missions, military assistance advisory groups, foreign information staffs, and other representatives of agencies of the United States Government) in such country engaged in carrying out programs under the Act, programs under the Mutual Defense Assistance Control Act of 1951, and the programs transferred by section 2 of Reorganization Plan No. 8 of 1953¹ (67 Stat. 642); and he shall assume responsibility for assuring the unified development and execution of the said programs in such country. More particularly, the functions of each Chief of United States Diplomatic Mission shall include, with respect to the programs and the country concerned, the functions of:

- (1) Exercising general direction and leadership of the entire effort.
- (2) Assuring that recommendations and prospective plans and actions of representatives of United States agencies are effectively coordinated and are consistent with, and in furtherance of, the established policy of the United States.
- (3) Assuring that the interpretation and application of instructions received by representatives of United States agencies from higher authority are in accord with the established policy of the United States.
- (4) Guiding the representatives of United States agencies in working out measures to prevent duplication in their efforts and to promote the most effective and efficient use of all United States officers and employees engaged in work on the said programs.
- (5) Keeping the representatives of United States agencies fully informed as to current and prospective United States policies.
- (6) Prescribing procedures governing the coordination of the activities of representatives of United States agencies, and assuring that such representatives shall have access to all available information essential to the accomplishment of their prescribed duties.
- (7) Preparing and submitting such reports on the operation and status of the programs referred to in the introductory portion of this subsection as may be requested of the Secretary of State by the Secretary of Defense, the Director of the Foreign Operations Administration, or the Director of the United States Information Agency, with respect to their respective responsibilities.
- (8) Recommending the withdrawal of United States personnel from

¹ *Infra*, pp. 3184-3186.

the country whenever in his opinion the interests of the United States warrant such action.

(c) Each Chief of United States Diplomatic Mission shall perform its functions under this part in accordance with instructions from higher authority and subject to established policies and programs of the United States. Only the President and the Secretary of State shall communicate instructions directly to the Chief of the United States Diplomatic Mission.

(d) No Chief of United States Diplomatic Mission shall delegate any function conferred upon him by the provisions of this Part which directly involves the exercise of direction, coordination, or authority.

Section 202. *Referral of unresolved matters.* The Chief of the United States Diplomatic Mission in each country shall initiate steps to reconcile any divergent views arising between representatives of United States agencies in the country concerned with respect to programs referred to in the introductory portion of section 201 (b) of this order. If agreement cannot be reached the Chief of the United States Diplomatic Mission shall recommend a course of action, and such course of action shall be followed unless a representative of a United States agency requests that the issue be referred to the Secretary of State and the United States agencies concerned for decision. If such a request is made, the parties concerned shall promptly refer the issue for resolution prior to taking action at the country level.

Section 203. *Further coordination procedures and relationships.* (a) All representatives of United States agencies in each country shall be subject to the responsibilities imposed upon the Chief of the United States Diplomatic Mission in such country by section 523 (b) of the act and by this part.

(b) Subject to compliance with the provisions of this part and with the prescribed procedures of their respective agencies, all representatives of United States agencies affected by this part (1) shall have direct communication with their respective agencies and with such other parties and in such manner as may be authorized by their respective agencies, (2) shall keep the respective Chiefs of United States Diplomatic Missions and each other fully and currently informed on all matters, including prospective plans, recommendations, and actions, relating to the programs referred to in the introductory portion of section 201 (b) of this order, and (3) shall furnish to the respective Chiefs of United States Diplomatic Missions, upon their request, documents and information concerning the said programs.

PART III. GENERAL PROVISIONS

Section 301. *Definition.* As used in this order, the word "functions" embraces duties, powers, responsibilities, authority, and discretion.

Section 302. *Prior orders.* (a) This order supersedes Executive Order No. 10476 of August 1, 1953 (18 F. R. 4537).

(b) The reference in section 3 (c) of Executive Order No. 10560 of September 9, 1954 (19 F. R. 5927), to Part III of Executive Order No. 10476¹ shall after the date of this order be deemed to be a reference to Part II of this order.

(c) Except to the extent inconsistent with law or with this order, and except as revoked, superseded, or otherwise made inapplicable before the time of issuance of this order, (1) all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions issued, undertaken or entered into with respect to any function affected by this order shall continue in full force and effect until amended, modified, or revoked by appropriate authority, (2) each reference in any Executive order to any provision of law repealed by the Mutual Security Act of 1954 shall be deemed also to refer to the corresponding provision, if any, of the Mutual Security Act of 1954.

Section 303. *Effective date.* Without prejudice to anything done under proper authority with respect to any function under the Act at any time subsequent to the approval of the Act and prior to the approval of this order, the effective date of this order shall be deemed to be the date of the approval of the Act.

DWIGHT D. EISENHOWER.

19. ADDITIONAL REVISION OF ADMINISTERING AUTHORITY UNDER THE MUTUAL SECURITY ACT OF 1954: Executive Order No. 10610, May 9, 1955²

By virtue of the authority vested in me by the Mutual Security Act of 1954,³ including particularly sections 521 and 525 thereof (68 Stat. 855, 856), and as President of the United States, it is ordered as follows:

PART I. DEPARTMENT OF STATE; INTERNATIONAL COOPERATION ADMINISTRATION

Section 101. Exclusive of the functions transferred by the provisions of section 201 of this order, all functions conferred by law upon, or delegated or otherwise assigned by the President to, the Director of the Foreign Operations Administration, and all functions conferred by law upon, or otherwise placed under the jurisdiction of, the Foreign Operations Administration (including, subject to the provisions of sections 102 (b) and (c) of this order, all functions of agencies, officials, and employees of the Foreign Operations Administration), are hereby transferred to the Secretary of State and the Department of State, respectively.

¹ *Supra*, doc. 14.

² 20 *Fed. Reg.* 3179. The executive order bears the title "Administration of Mutual Security and Related Functions."

³ *Supra*, doc. 16.

Section 102. The following are hereby transferred to the Department of State:

(a) All offices of the Foreign Operations Administration, exclusive of the office of Director of the Foreign Operations Administration.

(b) The Institute of Inter-American Affairs and the functions vested in it by law, which functions shall remain therewith.

(c) The International Development Advisory Board (68 Stat. 42) and the functions vested in it by law, which functions shall remain therewith.

(d) The Office of Small Business, provided for in section 504 (b) of the Mutual Security Act of 1954 (68 Stat. 851), and in section 101 (d) of Executive Order No. 10575 of November 6, 1954 (19 F. R. 251).¹

Section 103. (a) The Secretary of State shall establish, with the offices, personnel, and facilities transferred to the Department of State by or under section 102 (a) and 302 of this order, an agency in the Department of State which shall be known as the International Cooperation Administration. The agencies transferred by sections 102 (b), (c), and (d) of this order shall be made a part of or attached to the International Cooperation Administration. The International Cooperation Administration shall be headed by the Director of the International Cooperation Administration referred to in the first sentence of section 103 (b) of this order. The said Director shall report directly to the Secretary of State. Except as may be otherwise provided by the Secretary of State in respect of the matters referred to in section 104 of this order, the functions transferred by section 101 hereof shall be carried out by or under the International Cooperation Administration or the Director thereof. The said Administration, including all its officers and agencies, and all functions transferred by this Part shall be subject to the direction and control of the Secretary of State. To such extent as the Secretary of State shall prescribe, consistent with law and without diminishing assignments made or required to be made by this order to the International Cooperation Administration or the Director thereof, the said Administration and Director shall be deemed to be the successors of the Foreign Operations Administration and the Director thereof, respectively, in respect of transfers to the Department of State and the Secretary of State made by this order.

(b) The title of Deputy Director of the Foreign Operations Administration is hereby changed to Director of the International Cooperation Administration. The Director of the International Cooperation Administration may, as he deems proper, change the title of and utilize in connection with the functions transferred by this order any other office of the Foreign Operations Administration transferred hereby.

Section 104. (a) The Secretary of State, after consultation with the Secretary of Defense, shall make appropriate arrangements for carry-

¹ *Supra.*

ing out the function of coordination referred to in section 102 (c) (1) of Executive Order No. 10575 of November 6, 1954.

(b) The Secretary of State or, if he shall so direct, the Director of the International Cooperation Administration shall (1) carry out the functions under the Mutual Defense Assistance Control Act of 1951¹ transferred by section 101 of this order, (2) carry out the functions under section 501 (a) (2) of the Mutual Security Act of 1951 (as continued by section 525 of the Mutual Security Act of 1954), (3) make the determinations authorized by the last sentence of section 524 (b) of the Mutual Security Act of 1954, and (4) coordinate the functions of the International Cooperation Administration and other affairs of the Department of State.

PART II. DEPARTMENT OF DEFENSE

Section 201. So much of the functions under chapter 2 of Title I of the Mutual Security Act of 1954 now vested in or delegated to or otherwise conferred upon the Director of the Foreign Operations Administration or the Foreign Operations Administration as consists of furnishing to recipients eligible under that chapter, equipment, materials, or services which are delivered or rendered directly to the military forces of the recipient country or its agent (including a civilian contractor with such force) for the exclusive use, or to be under the exclusive control, of such military forces and without entering into or being processed by the civilian economy of the recipient country except as above provided is hereby transferred to the Secretary of Defense and the Department of Defense, respectively.

Section 202. The determination of the value of the program for any country under so much of chapter 2 of Title I of the Mutual Security Act of 1954 as pertains to the functions transferred by section 201 of this order shall be made by the Secretary of State.

PART III. GENERAL PROVISIONS

Section 301. As used in this order, the term functions includes powers, duties, authority, responsibilities, and discretion.

Section 302. So much of the records, property, personnel, positions, and unexpended balances of appropriations, allocations, and other funds of the Foreign Operations Administration as the Director of the Bureau of the Budget shall determine shall be transferred to the Department of Defense. There are hereby transferred to the Department of State all other records, property, personnel, positions, and unexpended balances of appropriations, allocations, and other funds of the Foreign Operations Administration (including those of the Institute of Inter-American Affairs, the International Development Advisory Board, and the Office of Small Business, which shall be transferred with those agencies, respectively). Such further measures and dispositions as the Director of the Bureau of the Budget may deem necessary in order to effectuate the transfers provided for in this sec-

¹ *Supra*, doc. 15.

tion shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

Section 303. (a) The Foreign Operations Administration, including the office of Director of the Foreign Operations Administration but excluding all other offices of, and all agencies and positions of, the Foreign Operations Administration, and excluding also all functions transferred by the provisions of this order, is hereby abolished.

(b) The memberships of the Director of the Foreign Operations Administration on the following bodies, together with the functions of the said Director in his capacity as member of each thereof, are hereby abolished: (1) The National Security Council, (2) the Operations Coordinating Board, (3) the Council on Foreign Economic Policy, (4) the Interagency Committee on Agricultural Surplus Disposal, (5) the Defense Mobilization Board, and (6) the Interdepartmental Committee on Trade Agreements: *Provided*, That the Director of the International Cooperation Administration or his designated representative shall participate in the deliberations, and assist in connection with the affairs, of the bodies mentioned in items (2) to (6), inclusive, above, and of the Committee for Reciprocity Information.

Section 304. Nothing in this order shall be construed to derogate from the authority of the President, after the date of approval of this order, (1) to delegate functions conferred upon him by the Mutual Security Act of 1954 or by other law other than as transferred or otherwise assigned by this order, (2) to transfer to any agency or officer of the United States, or to modify or abolish, any function, office, or entity of the Foreign Operations Administration or the successor thereof or any officer or employee thereof, or (3) to transfer such personnel, property, records, and funds as may be necessary incident thereto.

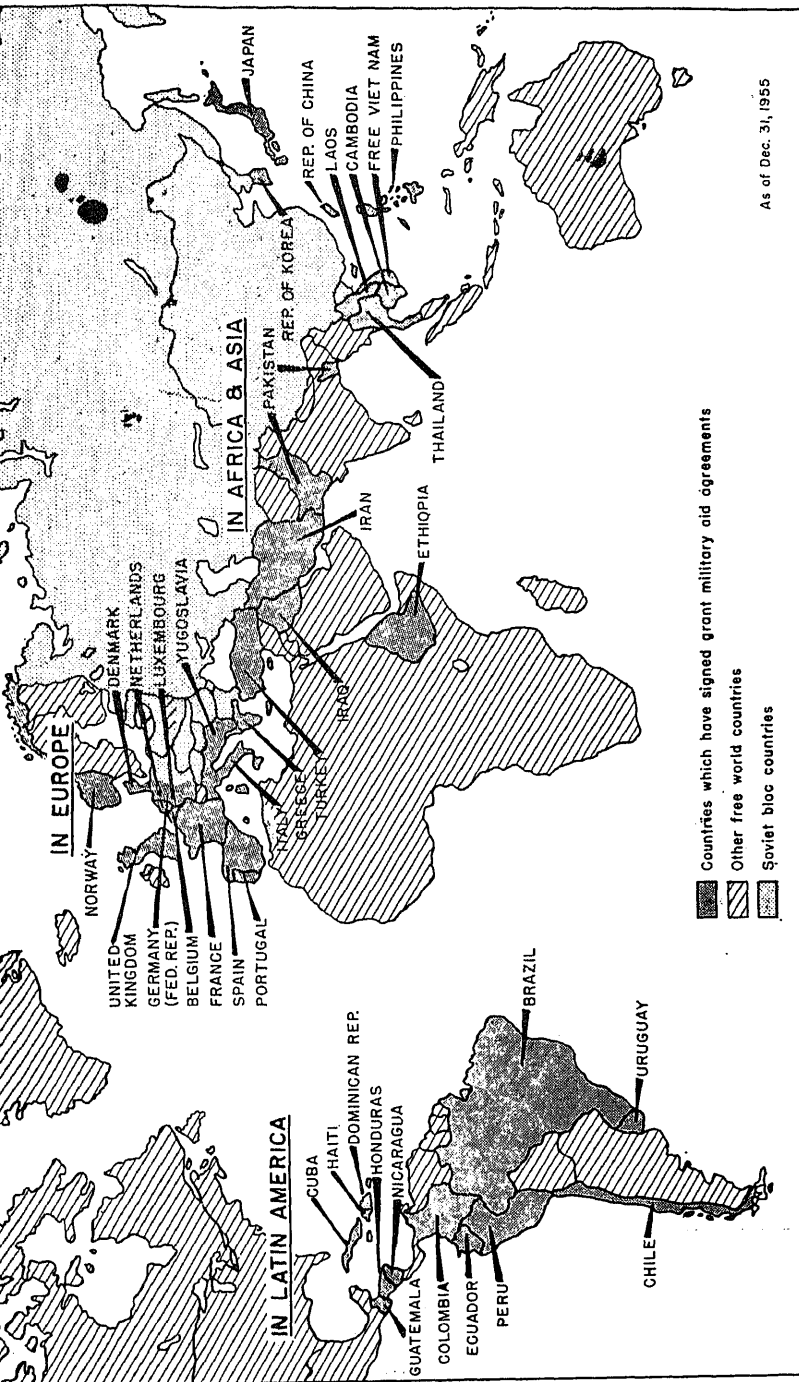
Section 305. Except to the extent inconsistent with this order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions issued, undertaken, or entered into with respect to any function affected by this order and not heretofore revoked, superseded, or otherwise made inapplicable, shall continue in full force and effect until amended, modified, or terminated by appropriate authority; but any reference therein to any officer or agency abolished by this order shall hereafter be deemed to be a reference to the appropriate successor officer or agency under this order.

Section 306. This order shall become effective at the close of June 30, 1955.

DWIGHT D. EISENHOWER

**20. COUNTRIES HAVING ENTERED INTO ARRA
FOR GRANT MILITARY AID UNDER THE
SECURITY PROGRAM: Map, December 31, 1955¹**

¹ *Ninth Semiannual Report to Congress on the Mutual Security
six months ended December 31, 1955* (1956), p. 12.



As of Dec. 31, 1955

G. STATISTICAL REVIEW OF THE FOREIGN AID PROGRAMS, 1945-1955

21. POST WORLD WAR II FOREIGN AID LEGISLATION - GRANT AND LOAN FUNDS AUTHORIZED AND APPROPRIATED FOR MAJOR FOREIGN AID PROGRAMS OF THE UNITED STATES, 1945-1956: Tabular Compilation, January 27, 1956¹

[See following chart]

¹ *Post World War II Foreign Aid Legislation—Grant and Loan Funds Authorized and Appropriated for Major Foreign Aid Programs of the United States, 1945-1956*, prepared in the Budget Division, Office of the Controller, International Cooperation Administration, Jan. 27, 1956. For similar information for the period 1940-1951, see *Foreign Aid by the United States Government, 1940-1951*, prepared by the Clearing Office for Foreign Transactions, Department of Commerce (1952), Appendix Tables L to N, pp. 107-118.

22. UNITED STATES GOVERNMENT FOREIGN GRANTS AND CREDITS, POSTWAR DECADE, JULY 1, 1945, THROUGH JUNE 30, 1955: Tabular Compilation by Program (Military and Other) and by Area, November 4, 1955 (Excerpt)¹

[Prefatory Note: Grants are largely outright gifts for which no payment is expected, or which at most involve an obligation on the part of the receiver to extend aid to the United States or other countries to achieve a common objective. Credits are loan disbursements or transfers under other agreements which give rise to specific obligations to repay, over a period of years, usually with interest. In some instances assistance has been given with the understanding that a decision as to repayment will be made at a later date; such assistance is included in grants. At such time as an agreement is reached for repayment over a period of years, a credit is established. Such credits, cannot, as a rule, be deducted from specific grants recorded in previous periods; an adjustment for grants converted into credits is made at the time of agreement. All known returns to the United States Government stemming from grants and credits are taken into account in net grants and net credits.]

The measure of foreign grants and credits generally is in terms of goods delivered or shipped by the United States Government, services rendered by the United States Government, or cash disbursed by the United States Government to or for the account of a foreign government or other foreign entity. The Government's capital investments in the International Bank (\$635 million) and International Monetary Fund (\$2,750 million) are not included in these data although they constitute an additional measure taken by this Government to promote foreign economic recovery. Payments made to these international financial institutions do not result in immediate equivalent aid to foreign countries. Use of available dollar funds is largely determined by the managements of the two institutions, subject to certain controls which can be exercised by the United States Government.

"Mutual security military grants" include mutual security program aid for common-use items which are to be used by military forces of nations receiving assistance, when such assistance provided under section 123 of the Mutual Security Act of 1954, as amended, is administered in accordance with chapter 1, Military Assistance, of Title I of that act. "Mutual security other grants" include (1) mutual security program aid for economic and technical assistance use from military aid appropriations, (2) mutual security program aid from appropriations for common-use items which are to be used by military forces of nations receiving assistance, when such assistance is administered in accordance with chapter 3, Defense Support, of the Mutual Security Act of 1954, as amended, and (3) also transfer of funds for the support of forces of Cambodia, Laos, and Vietnam (and forces of France located in such states) and of funds in support of production for forces support.

"Military equipment loans" are included in this report as part of military grants; these "loans" are essentially transfers on an indeterminate basis, generally requiring only the return of the identical item, if available. In essence, this was the requirement pertaining to wartime lend-lease transfers of watercraft, which were included as grant transfers

¹ U. S. Government Foreign Grants and Credits, Postwar Decade, July 1, 1945, through June 30, 1955, prepared in the Budget Division, Office of the Controller, International Cooperation Administration, Nov. 4, 1955, pp. 1-2; using source material from the Office of Business Economics, U. S. Department of Commerce. This compilation also includes a breakdown of the major areas, listing 86 different countries, specific international organizations, etc.—not reproduced here. The Prefatory Note is a definition of terms used in the chart, and appeared as an introduction to the chart.

in these data. The transfers reported for Canada and return of aircraft, for example, under the program Defense Department August 15, 1952.

"Special country programs" include Greek-Turkish aid, Chinese stabilization, Philippine rehabilitation fund, Libyan special purpose fund, Berlin investment fund, notes of September 9, 1954, and Mexican foot-and-mouth disease program.

For security reasons data by country do not include furnished principally under the mutual security exhibits, the military assistance under mutual security summary manner in the appropriate geographical military assistance generally reflect the area of equipment; in particular data for Asia and Pacific include Indochina (Cambodia, Laos, and Vietnam) while Europe include shipments to France, a part of which equipment used by the French forces in Indochina inclusion of dependencies in the grouping "Western" for other groupings, particularly "Near East and Africa" are understated. The aid shown in the table include have been extended to private entities in the country credit shown for Canada, for example, represents private entities in Canada. Country data include agricultural surpluses through American voluntary international organizations.

Columns may not add in all instances due to rounding.

[See following chart]

Part XIX

INTERNATIONAL INFORMATION AND EDUCATIONAL EXCHANGE PROGRAMS

I. ORGANIZATION OF THE UNITED STATES OVERSEAS INFORMATION AND EDUCATIONAL EXCHANGE FUNCTIONS, 1938-1953¹

From the termination of the Creel Committee (Committee on Public Information, George Creel, Chairman; established by Executive Order, April 14, 1917) in 1919 to the end of World War II, the only semblance of a concerted overseas information program consisted of the informational activities undertaken in the late 1930's in connection with the Inter-American System. These activities led to the establishment in 1938 of the first specialized machinery in the Department of State to deal with international information functions—the Division of Cultural Relations (Departmental Order 768, July 28, 1938); as well as the creation of the Interdepartmental Committee on Scientific and Cultural Cooperation (first meeting as “Committee on Cooperation with the American Republics,” May 26, 1938);² and, on August 16, 1940, the Office for Coordination of Commercial and Cultural Relations between the American Republics (changed on July 30, 1941 to Office of Coordinator of Inter-American Affairs, on March 23, 1945 to Office of Inter-American Affairs; terminated May 20, 1946).

The World War II programs started “from scratch,” aside from the activities in the American Hemisphere, and evolved in a more or less haphazard manner. The American Hemisphere program was developed as a supplement to broad commercial and social wartime programs. For other areas, the overseas information program was joined with the domestic information program, first under the Coordinator of Information, then in the Office of War Information (OWI). Thus quite distinct bases of organization were followed in the different areas.

During World War II, the Department of State's role in the field of

¹ Adapted from Senate Committee on Foreign Relations, Subcommittee on Overseas Information Programs of the United States, *Organization of the United States Overseas Information Functions* (Staff Study No. 4; Committee Print, 1953).

² Department of State Press Releases, XVIII, p. 610. By November 1938 it was generally called the “Inter-Departmental Committee on Cooperation with the American Republics.” It became the Interdepartmental Committee on Scientific and Cultural Cooperation in December 1945.

international information activities, as distinguished from purely cultural relations, was chiefly that of furnishing essential information and policy guidance to the civilian and military information agencies. Up to 1944, this role was performed in part by the Division of Current Information (established by Departmental Order 206, May 24, 1921), and in part directly by the geographical officers of the Department. In the field of cultural relations, the Division of Cultural Relations and the Interdepartmental Committee on Scientific and Cultural Cooperation were concerned primarily with the inter-American program.

On January 15, 1944 (Departmental Order 1218), the Department created an Office of Public Information, into which most of its domestic and foreign information functions, including cultural relations, were grouped. The new Office was under the Assistant Secretary for Administration.

On December 20, 1944 (Departmental Order 1301), greater recognition was given information functions by the creation of the position of Assistant Secretary in charge of Public and Cultural Relations (later Public Affairs). The name of the Office of Public Information was changed to the Office of Public Affairs—under the new Assistant Secretary. Within this Office a new International Information Division took over the overseas information activities, while the Division of Cultural Cooperation handled the cultural relations program.

With the transfer of the overseas functions of the Office of War Information and the Office of Inter-American Affairs (Executive Order 9608, August 31, 1945), the Department established (Departmental Order 1336) the Office of International Information and Cultural Affairs (OIC). The Office of Public Affairs was left with the responsibility for the Department's work in domestic public affairs. By the end of 1945, the OIC had emerged as the agency chiefly responsible for the administration of the Department's overseas informational and cultural relations functions. The office contained five operating divisions: Press and Publications, Broadcasting, Motion Pictures, Exchange of Persons, and Libraries and Institutes. It remained essentially unaltered until the fall of 1947, when its program was greatly curtailed because of drastic reductions in its appropriations. On August 15, 1947, the title of OIC was changed (Departmental Announcement 685) to the Office of Information and Educational Exchange (OIE).

Following the passage of the Smith-Mundt Act (United States Information and Educational Exchange Act, Public Law 402, January 27, 1948)¹ and the granting of additional funds, OIE was split into two units (Departmental Announcements 12, 14, 15, April 22, 1948): Office of International Information (OII) and Office of Educational Exchange (OEX). The Smith-Mundt Act and the Fulbright Act (Public Law 584, August 1, 1946)² made possible great expansion of the exchange program.

Late in 1949, the Department of State created (see Public Notice 34,

¹ *A Decade of American Foreign Policy*, pp. 1224-1234.

² *Ibid.*, pp. 1235-1236.

March 6, 1950) the position of a General Manager, who was made responsible for formulating and executing the over-all International Information and Educational Exchange Program (IE), within the policy directives of the Assistant Secretary for Public Affairs. On January 16, 1952, a major reorganization (Departmental Announcement 4) established the International Information Administration (IIA), described as a "semiautonomous" unit in the Department. The Administrator of the new unit combined the duties of the General Manager of IE with most of the overseas information responsibilities of the Assistant Secretary for Public Affairs, reporting directly to the Secretary and Under Secretary of State.

The United States Information Agency (USIA) was established on August 1, 1953,² as independent of the Department of State, but subject to policy guidance therefrom. USIA also absorbed the information functions of the Mutual Security Agency and the Technical Cooperation Administration, already to some extent integrated under IIA. The exchange program under the Fulbright and Smith-Mundt Acts and certain other legislation remained in the Department of State to be administered by the International Educational Exchange Service (IES) under the Assistant Secretary for Public Affairs.

2. THE CAMPAIGN OF TRUTH: Address by the President, April 20, 1950 (Excerpt)³

I am convinced that we should greatly extend and strengthen our efforts for making the truth known to people in all the world.

Most of us have recognized for years, of course, how important it is to spread the truth about freedom and democracy. We are already doing some very good work—through the Voice of America and the United States information offices and libraries in many parts of the world, through the exchange of students, through the United Nations

¹ See *infra*, doc. 5.

² See *infra*, doc. 7.

³ Delivered before the American Society of Newspaper Editors, Washington, Department of State Bulletin, May 1, 1950, pp. 669-672. This address marked the beginning of a greatly expanded information program, with further impetus given by the first Soviet atomic explosion, a National Security Council reappraisal of the Nation's position in the world (calling for, in part, an expanded and aggressive information program), and the Communist invasion of the Republic of Korea on June 25, 1950. Congress appropriated \$79 million for the fiscal year 1951 support of the expanded program, which was 2½ times the appropriation granted for fiscal year 1950, and 4 times that for 1949. The basic authority under which the program operated in the Department of State was the Fulbright Act of 1948 (PL 584, 79th Cong., 2d sess.; *A Decade of American Foreign Policy*, pp. 12-1236) and the Smith-Mundt Act (the United States Information and Educational Exchange Act of 1948, PL 402, 80th Cong., 2d sess.; *ibid.*, pp. 1224-12). The Psychological Strategy Board, established by Presidential directive of June 1951 (*infra*, doc. 4), attempted to provide high-level guidance "for the more effective planning, coordination and conduct, within the framework of approved national policies, of psychological operations."

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and its affiliated organizations, and in other ways. But events have shown, I believe, that we need to do much more, both ourselves and in collaboration with the other free nations. We must use every means at our command, private as well as governmental, to get the truth to other peoples.

Private groups and organizations have an important part to play. Our labor unions have already done fine work in communicating with labor in Europe, in Latin America, and elsewhere. The story of free American labor, told by American trade unionists, is a better weapon against Communist propaganda among workers in other countries than any number of speeches by government officials.

The same principle applies to other groups. The best way for farmers in other countries to find out about us is to talk directly with our own farmers. Our business men can speak directly to businessmen abroad. We need to promote much more direct contact between our people and those of other countries.

We should encourage many more people from other countries to visit us here, to see for themselves what is true and what is not true about our country. We should find more opportunities for foreign students to study in our schools and universities. They will learn here the skills and techniques needed in their own countries. They will also see at first hand the rights and duties of citizens in our land of democratic institutions.

Our colleges should train more Americans to go abroad as teachers, especially to teach modern methods of farming, industry, and public health—and, by example, to teach our concepts of democracy. The notable record of our many charitable and religious organizations who send teachers abroad is proof of what can be done.

Another major part of our effort must be carried out through our great public information channels—newspapers and magazines, radio, and motion pictures. We must strive constantly to break down or leap over barriers to free communication wherever they exist. We must make full use of every effective means of communicating information, in simple, understandable form, to people whose backgrounds and cultures are different from ours.

This poses an enormous challenge to groups such as yours, a challenge which can be met only by extraordinary inventiveness and enterprise. I am confident that the American press can and will make a tremendously useful contribution toward finding new solutions.

The Government's programs for telling the truth about the United States to the peoples of the world also need constant improvement. Our present overseas information and educational exchange program is getting results. For example, the Voice of America has been carrying to people behind the Iron Curtain the true story of world events. It has been so successful that the Soviet Government is using a vast amount of costly equipment in an attempt to drown out our broadcasts by jamming. We must devise ways to break through that jamming and get our message across. And we must improve and strengthen our whole range of information and educational services.

This is not a conclusion reached by Government officials alone. We have had the valuable aid of the United States Advisory Commission

on Information created by the Congress.¹ Your own society is ably represented on that Commission by Mark Ethridge and Erwin D. Canham. The members of the Commission have given intensive study to the overseas information program and have made repeated recommendations that it be substantially expanded. Similar recommendations for the exchange program have been made by the Advisory Commission on Education,² headed by Dr. Harvie Branscomb. I have been glad to see that many Members of the Congress have urged an improved and expanded program in these fields—as shown, for example, by the resolution introduced recently by Senator Benton for himself and a number of his colleagues.

Because of the pressing need to increase our efforts along this line, I have directed the Secretary of State to plan a strengthened and more effective national effort to use the great power of truth in working for peace. This effort will require the imagination and energies of private individuals and groups throughout the country. We shall need to use fully all the private and governmental means that have proved successful so far—and to discover and employ new ones.

REACHING UPWARD THROUGH TRUTH

Our task is to present the truth to the millions of people who are uninformed or misinformed or unconvinced. Our task is to reach them in their daily lives, as they work and learn. We must be alert, ingenious, and diligent in reaching peoples of other countries, whatever their educational and cultural backgrounds may be. Our task is to show them that freedom is the way to economic and social advancement, the way to political independence, the way to strength, happiness, and peace.

This task is not separate and distinct from other elements of our foreign policy. It is a necessary part of all we are doing to build a peaceful world. It is as important as armed strength or economic aid. The Marshall Plan, military aid, Point 4—these and other programs depend for their success on the understanding and support of our own citizens and those of other countries.

We must make ourselves known as we really are—not as Communist propaganda pictures us. We must pool our efforts with those of the other free peoples in a sustained, intensified program to promote the cause of freedom against the propaganda of slavery. We must make ourselves heard round the world in a great campaign of truth.

We have tremendous advantages in the struggle for men's minds and loyalties. We have truth and freedom on our side. The appeal of free institutions and self-government springs from the deepest and noblest aspirations of mankind. It is based on every man's desire for liberty and opportunity. It is based on every man's wish to be self-reliant and to shape his own destiny.

As we go forward with our campaign of truth, we will make lasting progress toward the kind of world we seek—a world in which men and nations live not as enemies but as brothers.






¹ The Commission was established by sec. 601 of the Smith-Mundt Act.








² Similarly established.

PROGRAMS CONDUCTED BY THE DEPARTMENT OF STATE IN 1950 TO PROVIDE A TWO WAY STREET
 Chart, June 30, 1950¹

PROGRAM FUNDS*








AREAS AFFECTED

PROGRAM	AUTHORIZATION	EUROPE & BRITISH COMMONWEALTH	NEAR EAST, SOUTH ASIA, AND AFRICA	FAR EAST	AMERICAN REPUBLICS
Program Under the Buenos Aires Treaty (Continuation of the Provision of Inter American Cultural Relations): Provides for Exchange of Professors, Teachers, and Students, Between the United States and 16 Other American Republics.	Buenos Aires Treaty of 12/23/36				Under USIE Program
Philippine Rehabilitation Program: Provides grants for Philippine citizens for training in the United States in scientific, technical and public service fields.	P. L. 370—79th Congress (as amended by P. L. 882 of the 80th Congress).			\$1,196,539 	
Program Under the Fulbright Act: Provides for the Exchange of Students, Teachers, Professors and Research Scholars Between the United States and Certain Other Countries (Financed by Foreign Currencies Obtained from the Sale of United States Surplus Property).	P. L. 564—79th Congress.	Dollar equivalent in foreign currencies \$4,965,000 	Dollar equivalent in foreign currencies \$1,931,814 	Dollar equivalent in foreign currencies \$800,000 	
Institute of Inter-American Affairs Program: Provides a United States Agency To Collaborate With Countries of the American Republics in Planning, Financing, and Executing Special Technical Programs.	P. L. 369—80th Congress (as amended by P. L. 983 of the 81st Congress).				\$990,000 

USE Program Provides for a World-Wide Program of Personnel and Educational, Scientific and Technical Exchange of Persons and Materials Between the United States and Other Cooperating Nations. (Funds Shown Provide for the USE Educational Body of this Report, Enclosed in the Report of the Committee on Salaries and Expenses of American and Local Employees, Rent and Utilities, Etc.).	P. L. 409— 80th Congress.	\$803,156		\$981,462		\$945,928		\$3,838,096	
Program for Exchanges With Finland, Provides for a Program of Exchange of Persons & Educational, Scientific, and Technical Materials Between the U. S. and Finland, to be Financed by Payments on World War Debt to Finland.	P. L. 265— 81st Congress.	\$964,432							
Chinese Student Aid Program: Provides U. S. Financial Assistance to Needy Chinese Students in the United States.	P. L. 397— 81st Congress.					\$2,560,809 **			
German Information and Educational Exchange Program: Provides for information and educational exchange program with the Western Zone of Occupied Germany. (Funds shown for Educational Exchange only).	P. L. 327— 81st Congress.	\$8,129,843							

The cost of domestic operations of these programs was \$2,041,188 which included professional and technical services, screening, placement, and guidance of foreign grantees, orientation services, travel to private and government programs, and cost of direct management and administration. The program was expanded in fiscal year 1949 by an allocation of \$500,000 from EOA to the Department of State, was expanded in 1950 by an allocation of \$10,000,000 for operations to be available until expended.

Two World Street International Educational and Technical Exchange in Fiscal Year—1950. Report of the United States Advisory Commission on Educational Exchange, June 30, 1950 (Department of State Publication 3893; 1950), p. 3.

USIE Program: Provides for a World-Wide Program of Information and Educational, Cultural, Scientific, and Technical Exchange of Persons and Materials Between the United States and Other Cooperating Nations. (Funds Shown Provide for the USIE Educational Exchange Activities Described in the Body of this Report, Exclusive of Such Operating Costs as Rental, Shipping and Express of Mail, Travel and Local Expenses, Rent and Utilities, Etc.).	P. L. 402— 80th Congress.	\$803,156		\$981,462		\$945,988		\$3,838,096	
Program for Exchanges With Finland: Provides for a Program of Exchange of Persons Educational, Scientific, and Technical Activities Between the United States and Finland to be Financed by Payments on World War I Debts by Finland.	P. L. 265— 81st Congress.	\$264,482							
Chinese Student Aid Program: Provides U. S. Financial Assistance to Needy Chinese Students in the United States.	P. L. 397— 81st Congress.					\$2,560,800**			
German Information and Educational Exchange Program: Provides for Information and Educational Exchange Between the Western Zone of Occupied Germany (Funds shown for Educational Exchange only).	P. L. 397— 81st Congress.	\$9,198,843							

**The cost of domestic operations of these programs was \$2,041,188 which included professional and technical services, screening, placement, and guidance of foreign grantees, orientation services, fees to private and Government programs, and cost of direct management and administration.

***The program for aid to destitute Chinese students in the United States, initiated in fiscal year 1949 by an allocation of \$500,000 from ECA to the Department of State, was expanded in 1950 to a total of \$10,000,000 was appropriated to be available until expended. Fiscal Year—1950. Report of the United States Advisory Commission on Educational Exchange, June 30, 1950 (Department of State publication 38993; 1950), p. 3.

4. ESTABLISHMENT OF THE PSYCHOLOGICAL STRATEGY BOARD: Presidential Directive, June 20, 1951¹

DIRECTIVE TO: The Secretary of State
The Secretary of Defense
The Director of Central Intelligence

It is the purpose of this directive to authorize and provide for the more effective planning, coordination, and conduct, within the framework of approved national policies, of psychological operations.

There is hereby established a Psychological Strategy Board responsible, within the purposes and terms of this directive, for the formulation and promulgation, as guidance to the departments and agencies responsible for psychological operations, of over-all national psychological objectives, policies and programs, and for the coordination and evaluation of the national psychological effort.

The Board will report to the National Security Council on the Board's activities and on its evaluation of the national psychological operations, including implementation of approved objectives, policies, and programs by the departments and agencies concerned.

The Board shall be composed of:

a. The Undersecretary of State, the Deputy Secretary of Defense, and the Director of Central Intelligence, or, in their absence, their appropriate designees;

b. An appropriate representative of the head of each such other department or agency of the Government as may, from time to time, be determined by the Board.

The Board shall designate one of its members as chairman.

A representative of the Joint Chiefs of Staff shall sit with the Board as its principal military adviser in order that the Board may ensure that its objectives, policies, and programs shall be related to approved plans for military operations.

There is established under the Board, a director, who shall be designated by the President and who shall receive compensation of 16 thousand dollars per year.

The director, within the limits of funds and personnel made available by the Board for this purpose, shall organize and direct a staff to assist in carrying out his responsibilities. The director shall determine the organization and qualifications of the staff, which may include individuals employed for this purpose, including part-time experts, and/or individuals detailed from the participating departments and agencies for assignment to full-time duty or on an ad hoc task force basis. Personnel detailed for assignment to duty under the terms of this directive shall be under the control of the director, subject only to necessary personnel procedures within their respective departments and agencies.

The participating departments and agencies shall afford to the director and the staff such assistance and access to information as

¹ Department of State *Bulletin*, July 2, 1951, p. 36.

may be specifically requested by the director in carrying out his assigned duties.

The heads of the departments and agencies concerned shall examine into present arrangements within their departments and agencies for the conduct, direction, and coordination of psychological operations with a view toward readjusting or strengthening them if necessary to carry out the purposes of this directive.

In performing its functions, the Board shall utilize to the maximum extent the facilities and resources of the participating departments and agencies.

HARRY S. TRUMAN

ESTABLISHMENT OF THE UNITED STATES INTERNATIONAL INFORMATION ADMINISTRATION (IIA) IN THE DEPARTMENT OF STATE: Departmental Announcement 4, January 16, 1952¹

1. Purpose

The purpose of this announcement is to establish the United States International Information Administration (IIA) for the conduct of the Department's international information and educational exchange programs, to describe the functions assigned to this organization and to the Assistant Secretary of State for Public Affairs and the functions with respect to IIA programs assigned to other areas of the Department, and to maintain and further strengthen integration of the United States international information and educational exchange programs with the conduct of foreign relations generally.

2. Establishment of United States International Information Administration

There is hereby established within the Department of State the United States International Information Administration. This organization shall be headed by an Administrator who shall be directly accountable to the Secretary and the Under Secretary for the planning and execution of the Department's programs under the Smith-Mundt Act (Public Law 402, 80th Congress)² and related legislation and other foreign information activities for the administration of which the Secretary is responsible.

3. Administrator of the United States International Information Administration

a. Serves as Chairman of the Psychological Operations Coordinating Committee³ and discharges the responsibility of the Secretary of State for international information and educational exchange programs in the interdepartmental field.

¹ Not previously published.

² *A Decade of American Foreign Policy*, pp. 1224-1234.

³ Established Aug. 17, 1950; see the Department of State *Bulletin*, Aug. 28, 1950, p. 335.

b. Directs the development of international information and educational exchange (IIA) policies designed to implement and strengthen the foreign policies of the United States, with the advice of the regional bureaus and other areas of the Department as appropriate and with the aid of guidance from the Assistant Secretary of State for Public Affairs.

c. Directs the planning of IIA programs, with the advice of the regional bureaus.

d. Directs the execution of all IIA programs at home and abroad, submitting field communications for the *advice* or *review* of those areas of the Department having specific advice or review authority with respect to the matters dealt with in such communications.

e. Determines the selection and assignment of personnel to the IIA program, at home and abroad, under the personnel policies and procedures applicable to the IIA program, securing the review of the regional bureaus as to the selection of the chief public affairs officers at posts abroad and their advice as to their principal subordinates.

4. *Assistant Secretary for Public Affairs*

a. Participates in the formulation of policy of the Department from the standpoint of public opinion factors and advises the Secretary, the Under Secretary, and other top staff of the Department on public opinion factors, domestic and foreign, involved in the formulation of departmental policy.

b. Develops policies on public information and directs the execution of programs designed to keep the United States public informed on international affairs and to maintain contacts between the Department and the United States public.

c. Provides guidance to the development of international information and educational exchange policies and serves as the staff officer to the Secretary responsible for the approval of major IIA policy guidances.

d. Develops policies for and supervises the conduct of a program of research on American policy, historically considered, for use of the Department and the public, in consultation with other areas of the Department.

e. Develops policies on substantive matters relating to United States participation in UNESCO, subject to review by the Bureau of United Nations Affairs, plans and implements UNESCO's programs in this country, serves as the channel of communication between the Department and UNESCO and between the National Commission [for UNESCO] and UNESCO, and reviews determinations of the Bureau of United Nations Affairs pertaining to UNESCO.

f. Advises the Bureau of United Nations Affairs of obstacles to freedom of information encountered in operations of public affairs programs; assures the maintenance of liaison with American mass communications industries to interpret and to secure advice and support for United States policies and actions related to freedom of information.

5. *Regional Bureaus*

The responsibility and authority of the regional bureaus with respect to information policy for their areas are not changed. The regional bureaus shall have the following functions with respect to programs of the United States International Information Administration:

- a. State the foreign policies applicable to the region as a basis for the development of international information and exchange policies.
- b. Advise IIA on the development of international information and educational exchange policies applicable to their regions and the Assistant Secretary for Public Affairs on policy guidance to IIA.
- c. Consider and advise IIA on program plans applicable to their areas, with the right of appeal in the event of differences.
- d. As requested by IIA, or upon own initiative, advises IIA on the area suitability of IIA materials and activities.
- e. Advise IIA on the total IIA complement to be stationed at each post.
- f. Review the IIA selection of the chief public affairs officer for each post and advise on the selection of his principal subordinates.
- g. Advise IIA on budgetary provision to be made for administrative support of IIA staff and operations at posts abroad.

6. *Departmental Support for IIA Operations*

6.1 Adequate services will be provided to IIA by strengthening the central facilities of the Department where required or by establishing special facilities within IIA. It is intended to assure the provision of services in such a manner that the requirements of IIA will be met and the responsibility of the Administrator for the IIA program will not be impaired, at the same time maintaining the necessary uniformity of policy and practice, and retaining centralized facilities where important economies can be effected without impairing service for IIA.

6.2 The basic lines to be followed in providing administrative support for IIA in the immediate future are set forth below. Continuous study shall be given to all phases of administrative support operations and further modifications shall be made where experience proves that they are necessary to provide adequate support for the IIA program.

6.3 Departmental services in the fields of communication, security, building operations and like services will be utilized by IIA.

6.4 Personnel operations will be conducted by the central facilities of the Department, but modifications in existing policies on appointment, promotion, salary, transfer, etc., and special procedural arrangements will be made wherever such adaptations are necessary in the interests of effective operation of the IIA program. In order to assure that full attention is given to the needs and problems of the IIA program, a special IIA unit will be organized within the Office of Personnel.

6.5 IIA will prepare, present and justify its own budget and manage its own financial affairs, subject to such review by the Deputy

Under Secretary for administration as is necessary to assure compliance with general departmental budget and fiscal policies.

6.6 A special IIA unit within the Division of Central Services will handle IIA procurement.

7. *Administration of IIA Programs at Posts Abroad*

7.1 The United States diplomatic mission chief shall continue to be fully responsible for the conduct of IIA programs at his post. The public affairs officer serves as a principal member of his staff with the status of chief of a major section of the mission. Mission chiefs are encouraged to delegate to public affairs officers authority to communicate with the Department in the name of the mission chief on as broad a range of IIA matters as practicable.

7.2 The mission chief will be responsible for assuring that the IIA program works cooperatively with the other operating United States programs within his country and provides information support to such programs.

7.3 The mission chief shall be responsible for seeing that adequate administrative support is provided for IIA programs in accordance with their requirements. Administrative support will normally be provided by the administrative officer of the mission. Other organizational arrangements may, with the approval of the mission chief, be made whenever required to assure efficient support of IIA operations. The name "United States Information Service" will continue to be used to identify the program abroad.

8. *Installation of Reorganization*

The Deputy Under Secretary for administration shall be responsible for providing leadership in the installation of the new plan of organization set forth in this announcement and in facilitating the transfers of personnel, funds, records and equipment.

6. THE OVERT INTERNATIONAL INFORMATION AND EDUCATIONAL EXCHANGE PROGRAMS OF THE UNITED STATES:

Article by the Assistant Secretary of State for Public Affairs,¹ March 31, 1952²

Recently I heard a speaker say that "no one any longer questions the importance of this Government's International Information and Educational Exchange Program; no one any longer says that ideas are not as important as bullets." I am sorry to say that this is not an accurate statement. Plenty of people today, both in this country and other countries, confess to their belief that the only possible outcome of the cold war is a hot war in which the test for victory will be which nation or which group of nations will produce the fastest airplanes, the most efficient bazookas, the most maneuverable

¹ Howland H. Sargeant.

² Department of State *Bulletin*, Mar. 31, 1952, pp. 483-489.

and hard-hitting tanks and that expenditures on such frippery as propaganda are largely wasted.

Although I do not agree with their conclusion I want to make it clear that I regard propaganda as only one of four major instruments to support the attainment of our national policy objectives whether we are in peace or war. Propaganda alone is no substitute either for policy or for action. It must be used in concert with the other major instruments of national policy—political, economic, and military power. Propaganda is 90 percent deeds and only 10 percent words. If we do the right things and make them known to others in an intelligent way, we succeed in our propaganda task. For example, we could shout for many weeks in every medium of mass communication that we use that we intend to stay in Berlin until the danger of aggression from the East is checked and until the German people have the opportunity freely to determine the kind of government and the kind of unification they may want. All this will mean little, however, as long as the words are unaccompanied by deeds. When we mount in the face of a Soviet blockade of Berlin an airlift which sets a plane down every 3 minutes on Tempelhof Airdrome, and we show the capacity to supply the people of the city of Berlin with the necessities of living to an extent even greater than when the city was supplied by rail and surface transport, then we have developed a mighty propaganda symbol to all the world. Similarly, appointment of General Eisenhower as Supreme Commander, Allied Powers in Europe, was a propaganda symbol. He stood above all for victory in Europe and inspired a feeling of renewed confidence and determination among the peoples of Western Europe that Soviet aggression might be prevented—or, if it occurred, could be successfully resisted.

There is another dangerous fallacy abroad which I shall mention. I find that many people regard Soviet propaganda as invincible, infallible, and all-conquering. Soviet propaganda is apparently effective in many circumstances. I believe, however, that Soviet propaganda has serious fundamental weaknesses which are capable of being exploited by the free world. I believe this in spite of the fact that in the fifteenth century Louis XI of France proclaimed the simple doctrine that "if they lie to you, you lie still more to them" and George Orwell in his frightening picture of the totalitarian state of 1984 shows a ministry of truth on whose vast white façade stretch these slogans: "War is Peace; Freedom is Slavery; Ignorance is Strength." Yet one of the most vulnerable points is the demonstrable contradiction between Soviet words and Soviet deeds. This contradiction, evident even to the peoples of the Soviet Union and its satellites, is accentuated by blunders that the so-called infallible Soviet propaganda machine makes from time to time—and, to take a phrase from the late Mayor LaGuardia, "When they really pull a boner, it is a beauty."

For example: Despite their most valiant efforts to convince the world that the United States and the Republic of Korea are the aggressors in Korea, the Soviet propaganda machine has failed in its task. Most of the peoples in the world don't believe them. When

Mr. Vyshinsky at the General Assembly rejected the disarmament proposals of the Western Powers with the statement that he had lain awake all night laughing at these proposals, the Kremlin belatedly realized that a propaganda blunder of the first magnitude had been made. In Italy and other Western European countries, pictures appeared of Mr. Vyshinsky emphasizing his laughter over the disarmament proposals and asking the question: "Does Mr. Vyshinsky speak for you?" All the doves and peace rallies the Communists can muster will not completely erase that picture.

Against this background I should like to sketch the following broad topics (1) The development of an overseas information program; (2) the recent reorganization of that program; (3) the scope of the program; (4) the content of the program; (5) the results we are getting; and (6) some special problems of United States propaganda in the future.

DEVELOPMENT OF THE PROGRAM

In briefest compass, the U.S. Government did not become interested in any kind of international information and educational exchange program before the years immediately prior to World War II. Beginnings of what we call educational exchange and cultural relations were made in 1938 and underwent a vast wartime expansion under both the Nelson Rockefeller operation (the Coordinator of Inter-American Affairs) and the Office of War Information (OWI). Even before that period, we as a nation had used propaganda from time to time as one of the basic instruments of our national policy and strategy. More than 30 years ago, for example, during the First World War, Woodrow Wilson understood the power of persuasion. He correctly estimated the force of ideas and his Fourteen Points became a powerful weapon for the Allies and a major factor in the surrender of Germany. His "conditions of a just peace" reached the people behind the enemy lines and undermined their will to resist. They gained for America a position of world leadership. Of course, between the wars we promptly forgot most of these lessons we had learned, and in the Second World War we again had to discover the importance of ideas. We improvised a psychological warfare mechanism which achieved some success—both tactical and strategic. At the end of World War II, we did remember some of the lessons and salvaged some of the equipment of propaganda.

What happened was that in August 1945 the President by Executive order turned over to the State Department many of the functions, personnel, resources, and funds of OWI, Office of Inter-American Affairs, Office of Strategic Services, and Foreign Economic Administration.¹ Those which related to the propaganda and educational exchange functions were consolidated under the Assistant Secretary for Public Affairs, William Benton, now junior Senator from Connecticut, who was invited by Secretary Byrnes to take over the hard task of cutting down a wartime information program to peacetime proportions. Incidentally, in that process Mr. Benton was

¹ See Ex. Or. 9608, Aug. 31, 1945; 10 *Fed. Reg.* 11223.

to try to find out just what the job was for the U.S. Government in time of peace, using these instruments of persuasion which we had developed. In a period of about 3 months, Mr. Benton cut personnel of somewhat over 10,000 back to roughly 3,000. He lost almost every one of his top wartime administrators who had been drawn from the highest levels of the private mass communications business. He met considerable ignorance and apathy as to any need for continuing such an instrument of international persuasion.

From the end of the war until January 1948 the issue was in doubt whether in fact the Congress would appropriate money to sustain any kind of peacetime information program. One of the great tributes that history should pay to Senator Benton is that he saw the issue clearly and he fought it through to a successful result, culminating in the passage in January 1948 of what is now known as the International Information and Educational Exchange Act¹ sponsored by Senator H. Alexander Smith and Senator (then Congressman) Karl Mundt which authorized a permanent program of this kind. However, I want to point out that this legislation concentrated primarily on authorizing the creation of better understanding between the peoples of the United States and the peoples of other countries and on presenting "a full and fair picture of the United States" to other peoples of the world.

From January 1948 until April 1950, the program experienced heavy going and drastic fund reductions. During this period of time, however, a considerable amount of progress was made.

On April 20, 1950, the President called for that all-out expansion of these efforts which he styled the "Campaign of Truth."² He said at that time: "Our task is to present the truth to the millions of people who are uninformed, or misinformed, or unconvinced. Our task is to reach them in their daily lives, as they work and learn. We must be alert, ingenious, and diligent in reaching peoples of other countries, whatever their educational and cultural backgrounds may be. Our task is to show them that freedom is the way to economic and social advancement, the way to political independence, the way to strength, happiness, and peace. The task is not separate and distinct from other elements of our foreign policy. It is a necessary part of all we are doing to build a peaceful world. It is as important as armed strength or economic aid. The Marshall Plan, military aid, Point Four—these and other programs depend for their success on the understanding and support of our own citizens and those of other countries."

ORGANIZATION AND FUNCTION OF THE PROGRAM

Reduced to its essentials the reorganization announced late in January³ is an attempt to give the Administrator of the world-wide Information and Educational Exchange Programs all the tools he needs to do his job and the administrative flexibility which will be required. It also lifts the status of the whole program since the new

¹ *A Decade of American Foreign Policy*, pp. 1224-1234.

² *Supra*, doc. 2.

³ *Supra*.

administrator, a distinguished economist, businessman, and more recently, college president, Wilson Compton, reports directly to the Secretary and Under Secretary of State. He is no longer responsible in his operations to the Assistant Secretary for Public Affairs who, under the earlier concepts, was not only responsible for determining information policy but was also ultimately responsible for the operations of the program itself.

Under the reorganization the Assistant Secretary can become far more a staff officer of the Secretary and other top officers of the Department. He is relieved of any necessity for participation in operating decisions of the new International Information Administration (IIA); he retains the responsibility for seeing that the information policy pursued by the IIA is in line with foreign policy objectives and current foreign policy decisions.

The Administrator of the IIA gains under the reorganization a consolidation of authority in his own hands which in the past was somewhat divided between the General Manager of the program, the Assistant Secretary for Public Affairs, the regional bureaus, and the central administrative offices of the Department. The Administrator now takes the responsibility for the supervision of the planning and conduct of all the overseas aspects of these programs—a job formerly performed by the Department's regional bureaus. He also acquires considerably greater flexibility in handling the mechanics of his administration.

THE SCOPE OF THE INTERNATIONAL PROGRAM

We shall know how good our reorganization is only after we have actually got it working. I should like, though, to give an indication of what this program includes: In the fiscal year 1948 around 2,500 people participated in the program that operated on a budget of approximately 20 million dollars. This was the low point of the program in the postwar years. We were forced to close down a number of our overseas posts and fire a number of skilled and experienced people in the very year in which the Marshall Plan was getting under way in Europe and the Soviet propaganda campaign against us was really beginning to roll. Since 1948, however, we have been building up again. The supplemental appropriation of 79 million dollars we received in the fall of 1950 following the President's call for a greatly expanded Campaign of Truth resulted in an operation with four times as many people on board as in the lean year 1948—and with nearly six times as much money. Our current strength is slightly under 12,000 people, at home and abroad, and our appropriation for 1952 is \$85,000,000.

USIE Personnel and Appropriations, 1947 to 1952

	1947	1948	1949	1950	1951	1952
Authorized Personnel			4, 118	6, 030	10, 807	11, 556
Appropriation Amount	\$24, 659, 778	\$20, 730, 000	\$31, 180, 900	\$47, 300, 000	\$121, 301, 759	\$85, 000, 000

The program consists of three primary fast media—radio, press and publications, and motion pictures—and two of what are usually called “slow media” but what I prefer to call deep penetration media—information centers and exchange programs.

Most important of all are the people overseas on the firing line itself who constitute USIE—the United States Information Service.

Radio. The world-wide radio network of the Voice of America transmits programs in 46 languages around the clock and has a potential foreign listening audience of some 300,000,000 people. It operates 38 domestic shortwave transmitters with overseas relay bases at Honolulu, Manila, Munich, Tangier, and Salonika plus use of BBC relays at Wooferton, England. Soviet jamming of programs to the U.S.S.R. and the Iron Curtain areas began in the spring of 1949 and became increasingly severe. We have taken major steps to overcome jamming, including such spectacular developments as the recent commissioning of the first of our high-powered floating transmitters—which was formally inaugurated at Washington on March 4.

Radio, of course, is our primary means of hammering holes through the Iron Curtain to carry messages of truth to those peoples. Despite operation of at least 250 sky-wave jamming installations and at least 1,000 ground-wave jammers, our latest monitoring reports indicate a level of understandable reception of 25 percent inside Moscow and Leningrad, and between 75 and 80 percent in many outlying areas. We have relays over the local stations of various countries including such important ones as France, Italy, Korea, Greece, Austria, Germany, and a number of the Latin American countries.

PRESS AND PUBLICATIONS

We use the news to get facts across in a number of ways. A 9,000-word daily wireless bulletin supplies U.S. information officers in 67 U.S. diplomatic missions with official news and background material designed for local use abroad. By airmail and pouch the press branch supplies 170 points all over the world with a weekly air bulletin covering a number of short topics designed for the local press abroad. We do a major job in a steadily expanding publications operation including publication of more than 60 million copies of magazines, cartoon books, photo pamphlets, leaflets, and educational materials in 30 languages. Best known is *Amerika*, the big handsome slick-paper illustrated monthly about this country printed in Russian of which around 20,000 copies continued to be distributed in the Soviet Union despite Soviet obstructionist tactics. We do a major job with visual materials, including news and feature photos, wall posters, and plastic plates for use in newspapers abroad. Regional production centers at London and Manila speed up the work.

MOTION PICTURES

Through documentary motion pictures shown in more than 90 countries we are reaching audiences of more than 1 million people everyday. They are produced with sound tracks in over 30 languages and are shown to a wide variety of rural as well as urban groups,

including churches, labor organizations, youth groups, and primary and secondary schools. Newsreels are used for very current and immediate hard-hitting topical material. "Eisenhower" and "A Plan for Peace" are examples of fast use for maximum impact.

OVERSEAS INFORMATION CENTERS

One hundred and forty-six U. S. Information Centers and 31 binational centers in 78 countries throughout the world are distributing American books, newspapers, and magazines, reaching additional millions. I often think of these centers as the arsenals of ideas for the freedom-loving and prodemocratic individuals in many of these countries. Last year these centers recorded more than 24 million visits from foreign nationals. There are more than 1 million books, periodicals, Government publications, and printed materials in these centers. In addition to library services, the centers carry on cultural and educational activities, including English-language teaching in many places.

EXCHANGE OF PERSONS PROGRAMS

One of the ways to straighten people out about the facts is to let them see for themselves. Government grants enable teachers, research scholars, labor leaders, newspaper publishers, editors, and reporters to come here to see what we are like. Similar grants permit Americans to travel abroad. During fiscal 1951 more than 7,500 persons received grants-in-aid for exchanges between the United States and 71 foreign countries. Our emphasis in these exchange programs is more and more on leaders, molders, and communicators of opinion.

USIE ITSELF

Approximately 850 American officers operate at 175 foreign-service posts in 84 countries and territories, ably and devotedly assisted by 4,000 local employees. This inventory to be complete should also include the information officers and their staffs at Paris and the Marshall Plan countries who operated under the Economic Cooperation Administration (now the Mutual Security Agency). It should also list the information activities conducted by the military services in Japan and Austria and the psychological warfare program in Korea today.

THE CONTENT OF THE PROGRAM

This has been simply a bare-bones inventory of the facilities and media that we are using. The content of our output is, of course, the real test of the job that we are doing. The content—what we have to say—in the long run cannot be superior to the actions and decisions taken by the free nations themselves. The policies and actions of the American Government and the behavior of the American people constitute the hard core of any content or any message that we may carry through our different media. I am often asked what it is we are trying to say in our output.

To put it very briefly, we are trying to make people believe

(1) That Soviet communism is not the progressive revolutionary movement it pretends to be but a reactionary conspiracy that would, if it succeeded, re-create the Dark Ages.

(2) That the "true revolution" in human affairs is the inevitable spread of freedom and the equitable distribution of the spiritual and material benefits of freedom.

(3) That while this "true revolution" will inevitably triumph, it will triumph in our lifetime only if all peoples resolutely and cooperatively resist the Communist conspiracy.

(4) That the United States, which since 1776 has given this "true revolution" its greatest impetus, is a strong, determined, and enlightened power which champions this concept of freedom not only for its own people but for all peoples.

(5) That it is in the self-interest of all peoples to cooperate with the United States in pursuit of this common goal.

(6) That this cooperation is gradually, often painfully, materializing, with a consequent increase in unity, confidence, and determination.

Are we making progress in the achievement of our objectives?

I can state categorically that we are. America's message is getting across, and it is getting results. At the same time, however, I want to stress the fact that there is no such thing as a clear-cut, black-versus-white test of progress. There are too many intangibles. It is exceedingly difficult to measure the opinions and reactions of our own countrymen. It is a good deal more difficult to do the same for peoples of other countries and other cultures.

We do have a number of concrete indications of our effectiveness. And those indications are steadily increasing.

AUDIENCE REACTION

Take the question of audience mail. The Voice of America alone—our radio operation—gets an average of a thousand letters a day. Mail has increased three-fold since 1949. In ninety-nine cases out of a hundred, the letters we receive either give us a pat on the back and urge us to expand our efforts or urgently request a copy of our program schedule booklet. In 1951, we sent out almost six million schedule booklets (5,751,529).

A lot of these audience letters come by air mail from such faraway places as India, where airmail stamps are a pretty expensive proposition.

In crucial pressure areas—areas where the free world and the Soviet sphere are in immediate contact—considerable progress has been made in building up our audience at Soviet expense. For example, in West Berlin, once the exclusive preserve of Soviet radio, 98 percent of the radio listeners are regular Voice of America patrons. One out of every 25 Swedish radio listeners tunes in on the Voice regularly.

Our record behind the Iron Curtain is real cause for confidence. Nine out of every 10 radio listeners in the Soviet zone of Germany listen to our radio broadcasts.

At Naples, a woman recently sewed together a ticket for a showing

of an American film—a ticket which her pro-Communist husband had ripped to shreds.

At Helsinki, Finland, one of our films was shown in competition with an important Communist party meeting. Several party functionaries preferred to see the movie rather than attend the meeting.

In Yugoslavia, a film in which President Truman defines American foreign policy has been borrowed twice by the central committee of the Communist Party.

In Burma (Kachin), the people have gone to great lengths to get our films to their villages. Often, our trucks are stopped by the dense undergrowth. The villagers have then volunteered to carry heavy movie projectors, generators, and other equipment on poles slung over their shoulders.

PRESS CAMPAIGN

Our record in the press-materials field indicates a good measure of progress as well.

A specific example of how a well-thought-out press campaign can get concrete results comes to us from Italy, where our people made excellent use of the twelfth anniversary of the infamous Molotov-Ribbentrop pact of 1939.¹ We distributed a series of feature articles on the pact well in advance. When the anniversary arrived, virtually every non-Communist paper in the country carried something on the treaty.

What efforts are being made to prevent our messages from reaching the audience?

An important measure of the effectiveness of our over-all informational program lies in the lengths to which the Communists have been going to insulate the peoples under their control against our propaganda. Some of the things being done to keep the people behind the Iron and Bamboo Curtains from seeing, hearing, or reading our informational materials are almost inconceivable.

The Soviet Union has been engaged in a tremendous jamming campaign ever since the Voice of America began broadcasting. The Soviets now have over 2,000 stations engaged in nothing but jamming—in trying to keep us from being heard. Between 5,000 and 10,000 technicians man these jamming stations.

We are told that the Soviets and their satellites spend almost as much on jamming as we do on our entire international radio program.

The so-called "defense of peace" law enacted in virtually all satellite countries is another means toward the same end—keeping America from putting its case before the enslaved peoples. Coercion is the underlying theme here. The Czech "defense of peace" law of December 1950 is typical of such gag laws. It subjects a person caught spreading "warmongering news or propaganda by word of mouth" to from 1 to 10 years in prison. Deciphering the Communist double talk, that law means that any person caught repeating what he hears

¹ The German-Soviet nonaggression pact and protocol of Aug. 23, 1939; *Nazi-Soviet Relations, 1939-1941* (Department of State publication 3023; 1948), pp. 76-78.

er the Voice of America or the BBC, or what he reads in a non-communist publication, can be summarily jailed.

The licensing and taxation of all persons in possession of radio equipment are common practices in the Soviet satellite areas. In Rumania, among other places, every known possessor of a radio is under constant scrutiny.

Recently, the Communists have taken to turning off the electric current in towns and villages during the hours when American broadcasts are coming through. We have had such reports from Bulgaria and Lithuania among other places.

Perhaps one of the best evidences of our effectiveness lies in the denigrated tirades against our informational media which appear in the communist press and in speeches by Communist leaders. Few weeks pass in which *Pravda* does not complain about the Voice of America or seek to impress its readers with the "fact" that lending ear to our broadcasts is a most dangerous and unpatriotic practice.

DEFECTORS

One of our best sources of information as to how people behind the Iron Curtain are reacting is the defector. And there has been a flood of defectors from Soviet-controlled Europe during the past several years. We recognize, of course, that the average defector is under great emotional strain and that many tend to overstate their case.

But we have checked the stories of defectors very closely. Further, we have discovered that a considerable area of agreement exists among the many accounts which we have received from such people.

We have learned, among other things, that a great percentage of the soldiers of the Red army in Soviet-controlled Germany listen to our broadcasts. We have learned that even the political commissars—the officers charged with seeing to it that soldiers are properly oriented—listen to the Voice.

We have learned that it is becoming an increasingly common practice to scrawl the wave-lengths of American broadcasts across fences and on sidewalks in the Baltic and other Sovietized areas.

COMMERCIAL SURVEYS

In France we made surveys in 1948 and in 1950 by the Gallup poll organization. We found in those years that our audience has increased in France from 16 to 24 percent of the adult population of the country; that there are 7,000,000 people in France who listen to the Voice of America at least occasionally; and that every weekday we can expect an audience of 1,000,000 people which expands to between 2,000,000 and 3,000,000 people every Sunday. Half of the adult population of France has heard of the Voice of America programs. Our problem, we know from that survey, is to get more and more of them coming to their receivers.

The analysis of the audience shows that, generally speaking, our listeners include a high proportion of the better educated and urban residents.

In Germany, public opinion surveys made under the supervision of

the High Commissioner's office show that in the same couple of years we have increased our audience in the U.S. zone of Germany from 4,000,000 to 6,000,000 people.

The same sort of survey showed us that in Sweden we have an occasional audience for our English-language program of 15 percent of the total population, over 700,000 people, and that we have a regular audience for our English-language program of about 100,000, who are weighted on the side of public opinion leaders and of youths.

SPECIAL PROBLEMS OF U.S. PROPAGANDA IN THE FUTURE

I have taken you on a rapid and cursory inspection of what we are doing in the Campaign of Truth. A more leisurely and thorough survey would include more details on such subjects as the building up of an integrated organization at the highest levels of Government (the Psychological Strategy Board) for the coordination of our psychological strategy and the complementary work of the Psychological Operations Committee for the coordination of our overseas information operations; it would include some remarks on what we are doing in the research and planning fields.

Above all, no one of us is fooled into thinking that the job being done by the Government's International Information Administration—or by all agencies of Government combined—constitutes more than a fraction of the impact of the United States and the American people on peoples abroad. We know that there are many voices of America—the GI abroad in his attitude and daily conduct, the tourist, the businessman, the American newspapers, magazines, and motion pictures, the statements of the President and of congressional leaders—all of these and many more are the voices of America.

One of the most significant developments of the past 2 years has been the increasing cooperation of private enterprise in this country in every form and variety with the overseas information programs of the Government. We have a special staff exclusively devoted to working with private enterprise which has been forced, because of the great expansion of its activity, to open offices not only at Washington and New York but at San Francisco, New Orleans, Houston, Chicago, and other points in the United States. What kind of things do they help stimulate and develop? Publishers of various American magazines have agreed that their overseas newsstand returns be given without cost to U.S. offices abroad for appropriate distribution; the "letters from America" campaign sponsored by the Common Council for American Unity; affiliations between towns and cities in the United States and their counterparts abroad; encouraging private production of a leaflet to be placed in the hands of all Americans traveling abroad with some Do's and Don'ts; helping to see that positive and affirmative content is included in advertising campaigns conducted abroad by American firms; bringing newspaper editors and reporters to this country to work on American papers for short periods, etc.

Of course I should mention a very important project of private enterprise—Radio Free Europe. The Voice of America and Radio

Free Europe (RFE) are two members of the great free-world team that fighting Soviet imperialism on the side of personal and national freedom throughout the world. Radio Free Europe, financed by private citizens through individual contributions to the Crusade for freedom, is an enterprise concentrating on the captive countries behind the Iron Curtain: Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, and Albania. It is a citizen's station over which Poles are able to speak to Poles, Hungarians to Hungarians, etc. They speak as "The Voice of Free Poland," "The Voice of Free Hungary," and so on. They look at their peoples' problems through their own eyes.

In contrast the Voice of America is a worldwide network financed by U. S. Government funds and speaking for the U. S. Government and the American people. It sees world problems largely through American eyes. It is the only American voice heard in the Soviet Union and in many other parts of the globe. In the area behind the Iron Curtain, in which both VOA and RFE operate, their aims are essentially the same: to keep alive the hope of liberation; to let listeners know that they have not been forgotten; to stiffen their resistance against their Communist oppressors; to expose the lies of their oppressors and the unworkability of communism. Both expose the fraudulent basis of authority on which the Moscow-dominated regimes rest. Both combat communism and the persecution of religion and denial of human rights. Both report the superior industrial power and fighting potential of the free world over the Soviet enslaved world.

VOA, which has responsibility for full reporting of official American facts and documents, American news, and world developments, cannot devote the major part of its Iron Curtain broadcasts to events inside those countries. RFE, giving less time to events outside those countries, specializes in three types of broadcasts. (1) RFE reports back all truth that can be learned about what is going on in the listeners' own country; (2) RFE spreads fear in the ranks of the Communist officials of the regime by denouncing and threatening with retribution all evil doers about whom it can obtain accurate information, including reports on dissolute private life and instances of personal cruelty and criminal acts; (3) RFE weans Communist youth workers and intellectuals from allegiance to the Moscow-dominated regime.

I was interested to see that Gordon Dean, the Chairman of the Atomic Energy Commission, is quoted as saying in a recent interview that he regards the job he and his colleagues are doing as "the second most important task in the world that we have here at the Commission. The first, I think, is somehow or other to pierce the Iron Curtain and let the ordinary Russian know our real, and peaceful intentions."

Mr. Dean's remarks fit rather interestingly with the statement made by General Eisenhower in July 1950 in his testimony on Senate Resolution 243¹ when he said that "Truth, in my opinion, could almost be

¹ Resolution in support of an expanded information and exchange program. For text, see Department of State *Bulletin*, July 17, 1950, p. 102.

classified as our T-bomb, if you want to call it that, in this warfare. . . . It is a terrific responsibility to decide how much to do, where it would be better to divert a dollar into a tank, and where it is better to put a dollar into this information effort. But I am quite certain of one thing: that you could find no soldier, no man of experience in the business of fighting, . . . who would decry for one second the importance of morale, and if you do not have morale you know you cannot win. There is just not enough to win without morale. I believe that can be done by truth."

7. REORGANIZATION PLAN NO. 8 OF 1953 ESTABLISHING THE UNITED STATES INFORMATION AGENCY, JUNE 1, 1953¹

UNITED STATES INFORMATION AGENCY

Section 1. *Establishment of agency.*—(a) There is hereby established a new agency which shall be known as the United States Information Agency, hereinafter referred to as the Agency.

(b) There shall be at the head of the Agency a Director of the United States Information Agency, hereinafter referred to as the Director. The Director shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate of \$17,500 a year. The Secretary of State shall advise with the President concerning the appointment and tenure of the Director.

(c) There shall be in the Agency a Deputy Director of the United States Information Agency, who shall be appointed by the President by and with the advice and consent of the Senate, and who shall receive compensation at the rate of \$16,000 a year. The Deputy Director shall perform such functions as the Director shall from time to time designate, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

(d) There are hereby established in the Agency so many new offices, not in excess of fifteen existing at any one time, and with such title or titles, as the Director shall from time to time determine. Appointment thereto shall be under the classified civil service and the compensation thereof shall be fixed from time to time pursuant to the classification laws, as now or hereafter amended, except that the compensation may be fixed without regard to the numerical limitations on positions set forth in section 505 of the Classification Act of 1949, as amended (5 U. S. C. 1105).

Sec. 2. *Transfer of functions.*—(a) Subject to subsection (c) of this section, there are hereby transferred to the Director, (1) the functions vested in the Secretary of State by Title V of the United States Information and Educational Exchange Act of 1948,² as amended, and

¹ 67 Stat. 642. The plan entered into force Aug. 1, 1953, after approval by the Congress under the provisions of the Reorganization Act of 1949, as amended.

² *A Decade of American Foreign Policy*, pp. 1224-1234.

so much of functions with respect to the interchange of books and periodicals and aid to libraries and community centers under sections 202 and 203 of the said Act as is an integral part of information programs under that Act, together with so much of the functions vested in the Secretary of State by other provisions of the said Act as is incidental to or is necessary for the performance of the functions under Title V and sections 202 and 203 transferred by this section, and (2) functions of the Secretary of State with respect to information programs relating to Germany and Austria.¹

(b) Exclusive of so much thereof as is an integral part of economic or technical assistance programs, without regard to any inconsistent provision of Reorganization Plan No. 7 of 1953,² and subject to subsection (c) of this section, functions with respect to foreign information programs vested by the Mutual Security Act of 1951, as amended,³ in the Director for Mutual Security provided for in section 501 of the said Act are hereby transferred to the Director.

(c) (1) The Secretary of State shall direct the policy and control the content of a program, for use abroad, on official United States positions, including interpretations of current events, identified as official positions by an exclusive descriptive label.

(2) The Secretary of State shall continue to provide to the Director on a current basis full guidance concerning the foreign policy of the United States.

(3) Nothing herein shall affect the functions of the Secretary of State with respect to conducting negotiations with other governments.

(d) To the extent the President deems it necessary in order to carry out the functions transferred by the foregoing provisions of this section, he may authorize the Director to exercise, in relation to the respective functions so transferred, any authority or part thereof available by law, including appropriation acts, to the Secretary of State, the Director for Mutual Security, or the Director of the Foreign Operations Administration, in respect of the said transferred functions.

Sec. 3. *Performance of transferred functions.*—(a) The Director may from time to time make such provisions as he shall deem appropriate authorizing the performance of any function of the Director by any other officer, or by any employee or organizational entity, of the Agency.

(b) Representatives of the United States carrying out the functions transferred by section 2 hereof in each foreign country shall be subject to such procedures as the President may prescribe to assure coordination among such representatives in each country under the leadership of the Chief of the United States Diplomatic Mission.

¹ The President's message to Congress of June 1, 1953, stated: ". . . While divesting the Department of State of the foreign information programs, the reorganization plan does not transfer the responsibility of that Department for the educational exchange programs authorized by the various acts of Congress. Close coordination of our information and educational exchange programs, will, of course, be effected by the Secretary of State and the Director of the United States Information Agency" (Department of State *Bulletin*, June 15, 1953, p. 851).

² *Supra*, pp. 3090-3093.

³ *Supra*, pp. 3059-3086.

Sec. 4. *Incidental transfers.*—(a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds, employed, used, held, available, or to be made available in connection with the functions transferred or vested by this reorganization plan as the Director of the Bureau of the Budget shall determine shall be transferred to the Agency at such time or times as he shall direct.

(b) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers provided for in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

Sec. 5. *Interim provisions.*—Pending the initial appointment under section 1 of this reorganization plan of the Director and Deputy Director, respectively, therein provided for, their functions shall be performed temporarily, but not for a period in excess of 60 days, by such officers of the Department of State or the Mutual Security Agency as the President shall designate.

8. ESTABLISHMENT OF THE OPERATIONS COORDINATING BOARD: Executive Order No. 10483, September 2, 1953¹

By virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, it is hereby ordered as follows:

SECTION 1. (a) In order to provide for the integrated implementation of national security policies by the several agencies, there is hereby established an Operations Coordinating Board, hereinafter referred to as the Board, which shall report to the National Security Council.

(b) The Board shall have as members the following: (1) the Under Secretary of State, who shall represent the Secretary of State and shall be the chairman of the Board, (2) the Deputy Secretary of Defense, who shall represent the Secretary of Defense, (3) the Director of the Foreign Operations Administration, (4) the Director of Central Intelligence, and (5) a representative of the President to be designated by the President. Each head of agency referred to in items (1) to (4), inclusive, in this section 1 (b) may provide for an alternate member who shall serve as a member of the Board in lieu of the regular member representing the agency concerned when such regular member is for reasons beyond his control unable to attend any meeting of the Board; and any alternate member shall while serving as such have in all respects the same status as a member of the Board as does the regular member in lieu of whom he serves.

(c) The head of any agency (other than any agency represented

¹ 18 Fed. Reg. 5379. The Executive order bears the title "Establishing the Operations Coordinating Board." The order was subsequently amended by Ex. Or. No. 10589 of Feb. 28, 1955 (20 Fed. Reg. 1237).

under section 1 (b) hereof) to which the President from time to time assigns responsibilities for the implementation of national security policies, shall assign a representative to serve on the Board when the Board is dealing with subjects bearing directly upon the responsibilities of such head. Each such representative shall be an Under Secretary or corresponding official and when so serving such representative shall have the same status on the Board as the members provided for in the said section 1 (b).

(d) The Special Assistant to the President for National Security Affairs may attend any meeting of the Board. The Director of the United States Information Agency shall advise the Board at its request.

SEC. 2. The National Security Council having recommended a national security policy and the President having approved it, the Board shall (1) whenever the President shall hereafter so direct, advise with the agencies concerned as to (a) their detailed operational planning responsibilities respecting such policy, (b) the coordination of the interdepartmental aspects of the detailed operation plans developed by the agencies to carry out such policy, (c) the timely and coordinated execution of such policy and plans, and (d) the execution of each security action or project so that it shall make its full contribution to the attainment of national security objectives and to the particular climate of opinion the United States is seeking to achieve in the world, and (2) initiate new proposals for action within the framework of national security policies in response to opportunity and changes in the situation. The Board shall perform such other advisory functions as the President may assign to it and shall from time to time make reports to the National Security Council with respect to the carrying out of this order.

SEC. 3. Consonant with law, each agency represented on the Board shall, as may be necessary for the purpose of effectuating this order, furnish assistance to the Board in accordance with section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U. S. C. 691). Such assistance may include detailing employees to the Board, one of whom may serve as its Executive Officer, to perform such functions, consistent with the purposes of this order, as the Board may assign to them.

SEC. 4. The Psychological Strategy Board¹ shall be abolished not later than sixty days after the date of this order and its outstanding affairs shall be wound up by the Operations Coordinating Board.

SEC. 5. As used herein, the word "agency" may be construed to mean any instrumentality of the executive branch of the Government, including any executive department.

SEC. 6. Nothing in this order shall be construed either to confer upon the Board any function with respect to internal security or to in any manner abrogate or restrict any function vested by law in, or assigned pursuant to law to, any agency or head of agency (including the Office of Defense Mobilization and the Director of the Office of Defense Mobilization).

DWIGHT D. EISENHOWER

¹ Established by a Presidential Directive of June 20, 1951; *supra*, doc. 4.

9. OVERSEAS INFORMATION PROGRAM: Publication of the United States Information Agency, 1955 ¹

"It is not enough for us to have sound policies, dedicated to goals of universal peace, freedom and progress. These policies must be made known to and understood by all peoples throughout the world. This is the responsibility of the U.S. Information Agency."—DWIGHT D. EISENHOWER.

The President created the U.S. Information Agency on August 1, 1953, as an independent agency responsible for the Government's overseas information program.²

To carry out this responsibility, the Agency maintains 206 overseas information posts in 78 nations of the free world. To the captive millions behind the Iron and Bamboo Curtains, the Agency's powerful radio network, the Voice of America, daily beams objective news reports and commentaries giving the truth about U.S. policies and actions.

Four Major Tasks.—By means of press, publications, radio, television, motion pictures, exhibits, libraries and personal contacts, the U.S. Information Agency performs four major tasks:

- (1) Explains U.S. policies and objectives.
- (2) Counters hostile propaganda.
- (3) Demonstrates the harmony of U.S. policies with the legitimate aspirations of other peoples.
- (4) Presents abroad aspects of American life and culture which will promote understanding of U.S. policies and objectives.

The Director of the U.S. Information Agency reports to the President through the National Security Council. Daily foreign policy guidance is provided to the Agency by the Secretary of State.

Country Programs.—Known overseas as the U.S. Information Service (USIS), the Agency's information program in each foreign country is conducted by the Public Affairs Officer (PAO) working directly under the U.S. Ambassador or Chief of Mission. The PAO is assisted by a small professional staff headed by Americans but composed in large part of citizens of the country. Each country program is carefully tailored to the customs and interests of the people.

In Western Europe, parts of the Far East, and eight countries of Latin America, for instance, television plays an important role. In some less developed areas, mobile exhibits and bookmobiles are employed. In areas where the illiteracy rate is high, posters, comic books and cartoons are effective. The Voice of America's broadcasts are delivered in the appropriate languages and dialects of the listening audience. Program content is carefully selected and edited.

The PAO is the focal point for all operations in his area.

¹ U.S. Information Agency, *The U.S. Overseas Information Program* (Washington, Government Printing Office, 1955).

² See *supra*, doc. 7.

Press and Publications.—More than 10,000 newspapers and magazines in the free world, with an estimated circulation of more than a billion readers, regularly receive information material through the Agency's Press and Publication Service.

The Service sends by wireless a 7,000-word news file from Washington 6 days a week to USIS posts in 66 countries. The posts translate and adapt the file and furnish it immediately to local newspaper and radio editors. In addition to news, features and commentary, the wireless file includes full texts of important foreign policy statements by the President, the Secretary of State and other Government leaders.

Newspaper and magazine features, background kits on subjects of international interest, such as the peaceful use of atomic energy, as well as photographs and plastic plates, are also distributed for use in thousands of overseas publications. This includes 59 newspapers and magazines which are published abroad by the Agency itself.

The Service also provides cartoon strips and panels to many newspapers in foreign countries. Some of these strips appear in more than 940 newspapers in 65 countries, with a readership estimated at more than 100 million.

During an average year, about 150 million leaflets, pamphlets and posters are distributed throughout the free world.

Voice of America.—Broadcasting around the globe, 7 days a week, 24 hours a day, the Voice of America speaks in 39 languages, presenting more than 75 programs daily from its studios in Washington, as well as other programs from Munich, Germany. Voice broadcasts consist primarily of factual news and commentary. They are designed as a continuing, reliable source of truth to peoples overseas.

More than three-quarters of the daily program schedule of the Voice is directed over the Iron and Bamboo Curtains to the U.S.S.R., the satellite countries of Eastern Europe and Red China. More than 55 hours of programs daily are directed to the Soviet Union and the Communist areas of Eastern Europe. Twenty hours daily, programs are transmitted to peoples behind the Bamboo Curtain in three Chinese dialects, and in Korean and Vietnamese. To overcome Communist jamming, programs originating in Washington and Munich are recorded at overseas relay bases and repeated over short, medium and long wave. Many of the programs are repeated several times a day, on various wave lengths, at peak listening periods.

Letters from behind the Curtains and reports from escapees and defectors attest that Voice programs do get through, despite Red jamming.

Other Voice language programs, totaling 22 hours a day, are beamed to free world countries. In addition, English-speaking foreigners are served through seven daily half-hour, world-wide English programs.

Voice facilities include 14 modern broadcasting studios in Washington, a radio center in Munich, Germany, and Station RIAS in West Berlin. Million-watt transmitters are located at Munich, the Philippines and Okinawa. The Agency's floating transmitter, installed on the U.S. Coast Guard Cutter *Courier*—now anchored in the Mediterranean—relays programs to the Soviet Union and the Near East. The

Voice's 30 transmitters in the United States are operated by private broadcasting companies.

Public tours of the Voice of America studios are conducted Mondays through Fridays. Studios are at 330 Independence Ave., S. W., Washington, D. C.

Newsreels and Feature Programs on TV Film.—These are provided weekly to 33 television stations in 22 countries of Europe, Latin America, the Far East and Africa. One weekly program, "The Magic of the Atom," documents U.S. progress in the peaceful use of atomic energy.

Motion Picture Service.—Films showing American life and supporting U.S. foreign policy, as well as pictures exposing international communism, are produced (or acquired) and distributed by the Agency's motion picture service. Some are sent abroad in as many as 39 languages. An increasing number are being produced overseas, with local backgrounds and actors. All films are based on the recommendations of overseas information officers, who know what will be effective in their particular areas.

Many of the pictures are shown in the commercial movie houses abroad, and all are shown noncommercially to selective audiences, including leaders of public opinion, government officials, business and labor leaders, professional, educational and civic groups.

The Agency operates 210 film libraries abroad. More than 6,000 16-mm. sound projectors are maintained for use by USIS personnel and for loan to groups and organizations.

To make film showings possible in remote areas, the Agency has 336 mobile units equipped to generate their own electric power. Concentrated largely in the Near East and Far East, these units provide many people with their only opportunity to see motion pictures. In many cases, films are the only means of reaching these people with the United States' message.

Information Centers and Exhibits.—The Agency's information centers are located in 67 countries. In Latin America, the centers are operated in co-operation with the local governments and are known as "binational centers." Each center includes a library. In addition, staffs of Americans and citizens of the country conduct lecture and concert programs, provide classes in English, arrange film showings, exhibits and special cultural events.

The centers provide direct contact with the people, and are an effective means of presenting U.S. culture to the world.

Through the use of traveling exhibits and bookmobiles, the information centers reach people in remote areas. Some exhibits are prepared especially for local, national or international fairs. Others are designed as traveling exhibits. Particularly effective have been the "Atoms for Peace" exhibits already seen by millions in Europe, Latin America and the Near East.

The Agency's book translation project, to date, has put into circulation overseas some 18 million books by U.S. authors. In addition.

about 4 million other U.S. books have been distributed to key individuals and institutions abroad.

American publishers and motion picture distributors are encouraged to sell U.S. publications and films abroad through the informational media guaranty program which assures the conversion into dollars of foreign currency receipts.

Office of Private Cooperation.—Through the work of the Agency's Office of Private Cooperation, private American groups, business firms, nonprofit organizations and individuals are encouraged to assist in carrying out the Government's overseas information program.

These private projects are varied and include: letterwriting, overseas advertising, mailing inserts, town affiliations, and collection of books and magazines for overseas distribution.

Communist Propaganda Expenditures.—The propaganda expenditures of Moscow and Peiping are variously estimated at from \$1 billion to \$3 billion yearly—roughly 10 to 30 times the amount the United States expends on its program of truth.

"The United States Government is in the international information field out of sheer necessity. It dare not pull out of this field any more than it would dare to pull out of military defense. Russia's military might is within her own boundary, but her propaganda might is on the loose in the world. We must do all in our power to thwart it, unmask its lies and pretenses, and break its hold over allegiances and loyalties of men."—United States Advisory Commission on Information

10. INTERNATIONAL EDUCATIONAL EXCHANGE PROGRAM: Publication of the Department of State (With Chart), March 1956¹

SCOPE.—The International Educational Exchange Program is principally concerned with strengthening our foreign relations through the interchange of persons between the United States and other countries. The program [which began in 1938 with a small number of exchangees from the other American republics] involves an annual interchange of about 6,000 people between the United States and over 70 countries of the free world.

PURPOSE.—The Congress of the United States has authorized this program "to promote a better understanding of the United States in other countries and to increase mutual understanding between the people of the United States and the people of other countries." Specifically, it seeks—

To build up a greater and more accurate store of knowledge and

¹ International Educational Exchange Service, *Facts About the International Educational Exchange Program* (Department of State, March 1956). The accompanying chart was specially prepared for this volume by the International Educational Exchange Service.

information about the United States in other countries, so that respect for and confidence in our aims and policies will be increased;

To contribute to a better understanding in the United States of the way of life, the culture, and the aspirations of other people; and

To promote greater stability in international relationships by broadening the community of interests between the people of the United States and other free peoples and by increasing awareness of the common principles underlying a free and orderly society.

PARTICIPANTS.—The success of the program depends primarily on the careful choice of participants. Those selected are persons who, because of their background and experience at home and through their activities and contacts while abroad, can make a positive contribution to mutual understanding between us and the people of other countries.

About one-third of the participants each year are Americans who receive grants to go abroad to—

Do graduate study for a year at universities and other institutions of higher learning;

Teach for a year in elementary or secondary schools;

Lecture preferably for a year or at least a semester or carry on advanced (post-doctoral) research for six months to a year at universities and other institutions of higher learning; and

Serve as consultants at the invitation of foreign groups or lecture before general audiences on topics of current interest. These people often visit several countries and spend from three to six months overseas.

The other two-thirds of the people exchanged each year are nationals of other countries who receive grants to come to the United States to—

Study for a year at our colleges and universities. Most of these grantees are between the ages of 25 and 35, are already launched on their professional careers at home, and are studying at the graduate level in this country;

Teach for a year in our elementary or secondary schools;

Undertake six months of specialized study and observation of teaching methods at the elementary and secondary school level;

Lecture for a year or at least a semester or do advanced (post-doctoral) research for three months to a year at our colleges, universities and other institutions of higher learning;

Consult for three months with their American colleagues and become acquainted with the contemporary American scene; or

Undertake three to six months of specialized training and ob-

servation in their field, often combined with actual on-the-job experience.

Grants are also made to young people in certain other countries to attend American schools abroad.

SPECIAL PROGRAMS.—In addition to the exchange of persons listed above, the International Educational Exchange Service is responsible for three other types of educational exchange activity—

The Cultural Presentations Program, financed by the President's Emergency Fund for International Affairs, provides limited assistance to outstanding American cultural and sports groups for tours abroad. These tours are building better understanding of and friendship for our country through the common language of music, art, and athletics. The program assistance supplements private financial support and the income received by professional groups for overseas commercial performances.

Books and scientific equipment to Finland and India are supplied under special legislative authority.

Assistance to American-sponsored schools in the other American Republics is also a special activity of the program.

EXCHANGE-VISITOR PROGRAMS.—The Smith-Mundt Act ¹ places in the Department of State responsibility for certifying exchange-visitor programs to facilitate entry of foreign nationals into the United States for educational activities which will further the purposes of that Act. In discharging this responsibility the Department must be assured that any program so designated does contribute, in a reasonably effective way, to the objectives of the Smith-Mundt Act.

Extensive and continuous assistance and guidance are given to the American sponsors requesting these designations so that their programs will measure up to required standards. Hospitals, medical schools, library groups, and industrial firms are among the groups which bring foreign nationals to this country for bona fide educational purposes. More than 2,100 exchange-visitor programs involving an estimated 30,000 visitors have been designated.

SIGNIFICANCE OF ACTIVITIES.—Whether grantees engage in study, teaching, research, or specialized observation and consultation, their activities, in addition to producing personal, professional benefits, serve the goals of the program in one or several of the following ways. Many of the activities which the program encourages are concerned with securing a clearer understanding of the life, institutions, and culture of Americans and their historical background. Among the activities are those which increase the knowledge overseas of our literature, language, history, and political and social institutions. Some spread information about characteristically American practices such as free public libraries or agricultural extension work. Others are specific skills of joint concern, for example, the peaceful uses of

¹ Act of Jan. 27, 1948: *A Decade of American Foreign Policy*, pp. 1224-1234.

atomic energy. And specialized groups demonstrate American educational, artistic, and cultural achievement, for example, through performances abroad by outstanding musical, theater, and dance groups.

Of equal importance are those activities which help us to develop and broaden our knowledge of the life, institutions, and culture of other areas of the world. These include grants to foreign professors to teach at American colleges and universities, to the staffs of these institutions to do research abroad, and the interchange of graduate students. It likewise includes the work of many Americans whose study and research abroad enlarge the corps of experts needed for many types of overseas service and enrich our educational curriculum.

Still other activities draw their primary significance from the special role which the participants play in their home countries, for example, the visits to the United States of members of national legislatures, trade union officials, top newsmen, or leaders of youth groups. Others concentrate primarily on the establishment and strengthening of contacts in significant institutions overseas or between institutions and organizations in the United States and those in other countries. Finally, some activities are designed to complement the work of other United States Government agencies, private organizations or international bodies of which the United States is a member. In this group, for example, would fall certain social science projects which undergird some of the technical assistance programs of the International Cooperation Administration.

In going about their educational work and in their everyday living, the participants reflect in their views, behavior, and services the ways of life and attitudes of their own countries. They may also informally present such matters in discussions, lectures, or published writings. All of the participants, when they return home, interpret their experience to their fellow-countrymen in terms which they can best understand. The informal give and take of such discussions make these contacts a highly effective form of communication.

METHOD OF OPERATION: *The Role of Advisory Groups.*—Two public boards, appointed by the President, have been designated by the Congress to advise and assist the Department in the administration of the educational exchange program.

The United States Advisory Commission on Educational Exchange was established by provision of the Smith-Mundt Act and is responsible for formulating and recommending to the Secretary of State policies and programs.

The Board of Foreign Scholarships is responsible for supervising the operations of and for selecting individuals and educational institutions qualified to participate in the program authorized by the Fulbright Act.

The Role of the Department.—The International Educational Exchange Service functions under the general supervision of the Assistant Secretary of State for Public Affairs. This Service, headed by a Director, is organized into two principal parts: Staffs for planning,

orting on, and evaluating the substantive program, an operations ff for the Board of Foreign Scholarships, and a staff to provide cessary administrative services and facilities; and five operating isions which conduct the programs for both American and foreign ntees and which provide special services necessary to educational change activities.

Four reception centers are operated by the Department at New rk, Miami, New Orleans, and San Francisco to handle arrivals of oming participants in the program. These centers arrange to et grantees at docks and airports and assist with hotel accommoda- ns and internal travel in the United States. Local programs for itors are also often arranged and carried out by reception center rsonnel working with community groups. These local programs quently supplement the regular activities of a grantee who may be r transit through the city where the center is located.

Participation of Other Agencies.—The Smith-Mundt Act recog- ized the diverse nature of the operations necessary to conduct an ternational educational exchange program and provided for the aximum use by the Department of the services and facilities of other overnment agencies and of private groups. Contracts are made a continuing basis with certain of these agencies for the services eded. Short-term arrangements are also made with many others r handling evaluation studies and for particular programs involving eign specialists.

Three agencies assist in the screening of American candidates and e placement and supervision of foreign grantees.

The Institute of International Education: for persons studying in educational institutions.

The U.S. Office of Education of the Department of Health, Education, and Welfare: for persons teaching in elementary or secondary schools, or undertaking specialized study and obser- vation of teaching methods.

The Conference Board of Associated Research Councils: for persons engaging in university teaching or post-doctoral research.

Three agencies assist in arranging programs in this country for reigen grantees who come to the United States for short periods to on- sult with their colleagues.

The Governmental Affairs Institute: for those primarily in- terested in public administration and government.

The Department of Labor: for those primarily interested in labor and industry.

The American Council on Education: for those primarily in- terested in education and related fields.

Practically all federal agencies assist in the selection of foreign specialists and arrange programs for them in the United States.

The American Council on Education also provides orientation for

certain foreign grantees at the Washington International Center, and professional assistance to American-sponsored schools in the other American Republics.

The American Language Center of American University, Washington, D. C., provides English-refresher courses for foreign grantees who have special needs for short periods for intensive study in speaking and understanding English.

In addition a large number of organizations and institutions voluntarily assist the program in many ways. Screening committees composed of persons from many professional and other occupations give of their time extensively in recommending American candidates from the thousands of applications submitted. Each year financial assistance estimated at between \$8 and \$10 million is contributed from non-U.S. Government sources as tuition, maintenance, and other stipends. Other services, not easily measurable in terms of dollars, are the hospitality and program assistance given to foreign visitors by civic groups, community and professional organizations, and literally thousands of individual Americans.

Overseas Administration.—The administration of the program overseas, under the supervision of the Foreign Service establishments, is carried out through contractual arrangements with the United States Information Agency. In those countries participating under the Fulbright Act, binational Educational Commissions, established by Executive Agreement with each country, play a large part in supervising and administering the program. Binational selection committees help in preliminary screening of student applications in most of the countries where educational exchange programs are conducted; Ministries of Education also aid in announcing opportunities for teachers and in recommending candidates; and other agencies of local governments cooperate in similar fashion.

COOPERATION WITH OTHER PROGRAMS.—The many agencies, organizations, and institutions conducting educational exchange programs find that greater effectiveness can be achieved through the reciprocal services they give each other.

Thus, the Department assists groups and individuals and foreign governments in carrying out programs in which the objectives are similar to ours. Each year from 400 to 700 projects for these groups involving more than 6,500 exchanges are facilitated by the Department.

The assistance given involves such services as (1) arranging with Foreign Service posts to announce American exchange opportunities, to receive applications, and to assist in selecting candidates; (2) guidance in planning exchange projects; (3) providing professional and community contacts in the United States for foreign visitors; and (4) cooperating with Foreign Service posts to facilitate tours abroad of American groups and individuals.

Assistance to the fellowship programs of the United Nations Technical Assistance Administration and to some of the specialized agencies of the United Nations is also given. Such help usually includes ar-

ing placement for persons coming to the United States for practical training and experience.

Similar assistance has been given to the NATO Cultural Council. Selection procedures for American candidates under the NATO fellow-ship program have recently been established. Increased support to NATO has resulted from the fact that, since 1952, the Department has brought groups of outstanding newsmen and cultural leaders from the NATO countries to the United States under its own program.

EFFECTIVENESS.—Several major sources of information provide evidence that the program has been successful in fulfilling its purpose. These include accounts of personal experience, appraisals by responsible officers and private citizens, and evaluation studies by private research organizations.

The grantees themselves emphasize specific activities and accomplishments. Their reports reflect rich personal insights and gains both in knowledge and understanding. They also reveal a sense of individual responsibility for continuing to improve international understanding.

Responsible public officials and private citizens observe the program in operation around the world and at home and make careful appraisals. These appraisals provide information that goes beyond the experience of the grantee and provide more general evidence of program results. Their reports tell of the effects of educational exchange—how new knowledge, ideas, and skills are employed when grantees return home; how the grantees write books and articles and lecture on their exchange activities; how American studies courses in foreign universities and area studies in American universities are strengthened; and how returned grantees take an active part in "alumni associations" and other groups through which they keep in touch with America.

Private research organizations, employing a variety of social science techniques, make objective evaluations of program results. These studies have compared groups of returned grantees with those who have not had such experience; they have studied the grantees in "before and after" settings.

The studies concerning returned American grantees illustrate wider knowledge and appreciation of other cultures and international problems, and certain personal accomplishments accruing to them as individuals.

Studies of foreign grantees show that firsthand observation of America helps to correct their unrealistic and often unfavorable views of us; that they gain more accurate knowledge of American culture, American achievements in many fields, and of general conditions in the United States; that when they return home they share their experience not only with their friends and associates but with the general public through lectures, articles, radio, etc.; that their compatriots consider them among the most reliable sources of information about the United States.

AUTHORITY.—There are several legislative authorities under which funds for conducting the international educational exchange program of the Department are made available. Dollar funds appropriated annually by the Congress under the provisions of the Smith-Mundt Act are used jointly with foreign currencies available under provisions of the Fulbright Act in the interest of economical administration and to expand the scope of the program.

The United States Information and Educational Exchange Act of 1948, Public Law 402, 80th Congress (also known as the Smith-Mundt Act),¹ provides the basic authority for reciprocal educational exchange programs between the United States and other countries and authorizes the annual appropriations by the United States Congress.

An Act for Cooperation with the Other American Republics, Public Law 355, 76th Congress,² provides for the annual exchange of graduate students between the United States and the 20 other American Republics under the terms of the Convention for the Promotion of Inter-American Cultural Relations. Appropriations for this phase of the program are made under the general authority of the Smith-Mundt Act.

Public Law 584, 79th Congress (also known as the Fulbright Act)³ provides that certain foreign currencies owed to or owned by the United States as a result of surplus property sales abroad may be used to finance exchanges between the United States and certain foreign countries for study, teaching, lecturing, or advanced research, or other educational activities. Pursuant to this legislation, Executive Agreements are negotiated with individual countries to provide for educational exchange programs. No appropriations are authorized under this Act.

The Mutual Security Act of 1952, Public Law 400, 82d Congress,⁴ amended the Fulbright Act by providing for the use for educational exchange of foreign currency credits owed to or owned by the United States and not required by law or agreement to be expended or used for any other purposes.

The Agricultural Trade Development and Assistance Act of 1954, Public Law 480, 83d Congress,⁵ authorizes proceeds from the sale of surplus agricultural commodities for educational exchange programs established under other legislative authorizations.

¹ *A Decade of American Foreign Policy*, pp. 1224-1234.

² 53 Stat., pt. 2, p. 1290.

³ *A Decade of American Foreign Policy*, pp. 1235-1236.

⁴ 66 Stat. 141.

⁵ *Supra*, pp. 2941-2947.

The Finnish Educational Exchange Act, Public Law 265, 81st Congress,¹ provides that part of the annual payment of Finland's World War I debt to the United States may be used for educational exchanges between the two countries. The contractual costs of this program must be financed by appropriations under the Smith-Mundt Act.

The India Emergency Food Aid Act of 1951, Public Law 48, 82d Congress,² authorizes the use of certain sums, payable by the Government of India to the United States as interest on the emergency food relief loan, for educational exchanges between the two countries. Public Law 701, 79th Congress,³ authorizes the instruction at the United States Merchant Marine Academy of citizens from the other American Republics.

¹ 63 Stat. 630.

² *Supra*, pp. 2227-2229.

³ 60 Stat. 961.

INTERNATIONAL EDUCATIONAL EXCHANGE PROGRAM

Number of Exchanges by Country and Category

(Cumulative 1919 through fiscal year 1954; figures for fiscal year 1955 listed in separate column) 1

Area and Country	Grants to Americans						Grants to Foreign Nationals						Total						
	Univ. Study		Adv. Research and Univ. Lecture		Teacher		Specialist		Univ. Study		Adv. Research and Univ. Lecture			Tchr. or Tchr. Dev.		Leader and Specialist		Study in U.S. Schools Abroad	
	Prior 1955	1955	Prior 1955	1955	Prior 1955	1955	Prior 1955	1955	Prior 1955	1955	Prior 1955	1955		Prior 1955	1955	Prior 1955	1955	Prior 1955	
OTHER AMERICAN REPUBLICS																			
Argentina	3		2				3	1	43	3						18	14		
Bolivia									26	2						10	12		
Brazil	11	1	25	2		2	6	1	111	17						58	27		
British Guiana																			
British Honduras																			
British West Indies																			
Chile	13	2	6	2	4		6		54	12	3	2							
Colombia	10		10				4		35	5	1		7		29	10			
Costa Rica	10	1	1				1		25	4			6	1	13	6			
Cuba	4	2	9	2			1	1	35	4	1		11	3	14	3			
Dominican Republic	4	2							17	3			1			2			
Ecuador	7	2							24	4	1		1		11	5			
El Salvador			4				1		8	1			6	1	7	1			
French West Indies																			
Guatemala	5	2	6	1			1	1	24	8	1		10	8	3	16			
Haiti	9	2		1			1		23	3			4		5	1			
Honduras	5	1							14	2			1		5	5			
Mexico	19	2	31	10			8	10	70	18	16	2	53	14	31	18			
Nicaragua	2								20	3			7	2	2	10			
Panama			2	1					26	3	1		3	3	5	6			
Paraguay	1		1						12	3	1		3	1					
Peru	12	2	3				3		43	3	2		8	2	12	4			
Uruguay	3		2				2		17	4			12	1	10	5			
Venezuela	4	2	4				1		11	2			4	1	11	9			
Area Total	118	19	107	23	4	2	41	15	641	107	40	9	206	49	252	157		1,700	
EUROPE																			
Australia	85	22	65	20	17	5	1		124	27	72	22	25	8	17	3		517	
Austria	177	43	54	14	19	2	7		434	49	64	14	25	4	141	18	13	6	
Belgium	114	16	30	6	21	4	1		130	28	44	11	20	7	49	7	10	1,087	
Canada																		507	

Denmark	60	21	40	12	6	2	2	2	138	35	53	14	18	7	63	8	38	23	539
Finland	17	12	28	16	1	2	1	2	190	58	29	13	69	15	99	32	22	27	633
France	1,385	244	209	28	111	28	1	144	226	2	203	31	168	25	194	55	16	40	4,130
Germany	382	213	77	50	51	22	544	4	939	210	87	40	513	42	4,486	337	21	10	12,049
Iceland								14	5	2	1		5		27	13			72
Ireland	2							1	5	84	2				5				16
Italy	605	75	201	44	49	21			449	2	277	41	68	16	160	37	71	86	2,291
Luxembourg									14	2	2		2		6	1			27
Netherlands	165	31	75	16	90	18			290	46	104	22	53	12	53	9	20	27	1,034
New Zealand	67	9	42	7	19	5			73	13	32	5	24	5	15	2			320
Norway	122	22	85	14	18	4	11		368	72	159	17	52	13	43	5	80	90	1,184
Portugal											1		11	1	24	5			43
Spain			3	1					10	4		1		2	15	6			43
Sweden	1	3	9	4					32	10	18	4	15	2	54	8	21	25	210
Switzerland			4						10		1								35
Turkey			2	1	2				7			2							18
Union of South Africa	2	1	324	50	603	101	1		5	4	576	94	609	100	132	20			41
United Kingdom	928	136							911	154									4,742
Yugoslavia																			1
Area total	4,125	551	1,222	283	1,007	221	529	11	9,257	1,028	1,729	331	1,686	258	5,620	592	321	334	29,336
NEAR EAST AND AF-																			
RICA																			
Afghanistan			1						8	1			4			10	1		28
Algeria																			1
Belgian Congo																			3
Br. and Fr. Cameroons																			3
Br. and Fr. Togoland																			142
Ceylon	2	2	6	8	1				43	12	3	1	24	5	29	6			512
Egypt	83	7	73	13	17		4		134	27	65	13	25	9	38	12	43		5
Ethiopia																			2
Ghana (formerly Gold Coast)				1	1				4	2	1	1	26	4	8	2			18
Greece	53	8	70	11	113	23	4		241	44	47	3	44	12	35	11	1,487	208	2,394
India	56		65	9	21		20		388	34	73	6	25	4	81	23			838
Iran	1	9	8		9		4		68	16	19	3	25		39	13			231
Iraq	5		29	7	9	3	2		72	16	12	3	13		21	4	8		178
Israel	1		8			5	5		9	2	3				22	1			61
Jordan									8						3	1			14
Kenya						2			5	2					1	1			12
Lebanon			1				2				2	1	3		12	3			28
Liberia			3										3		2	2			8
Libya															2	2			8
Morocco					3	2									1	1			3
Nepal																			7
Nigeria					2										2	2			8
Nyasaland																			29
Pakistan						1													1
Saudi Arabia																			384
Sierra Leone	6	1	32	10	12		7		153	35	23	1	23	4	56	20			8
Syria									8				2		3				1
Tanganyika			8	2	1	3			5	1			2		26	3			58
									2	5									7

See footnotes at end of table.

3201

(Cumulative 1949 through fiscal year 1964; figures for fiscal year 1965 listed in separate column) ¹

3202

1. THE TABLE above should be used with certain explanations and interpretations. Although the dates given are 1949 through 1955, the program was not in operation in all of the countries for the whole period. The table, as given, includes grants awarded under the Fulbright Act (P.L. 584, 79th Cong., 2d sess., Aug. 1, 1946; *A Decade of American Foreign Policy*, pp. 1235-1236) as well as those under the United States Information and Educational Exchange Act of 1948 (P.L. 402, 80th Cong., 2d sess., Jan. 27, 1948; *ibid.*, pp. 1224-1234) and other legislative authority. For a special listing of grants awarded under the Fulbright Act, see *Swords Into Plowshares—A New Venture in International Understanding: The Story of the Educational Exchange Program Authorized by the Fulbright Act of 1948* (Department of State publication 6344; 1956), Appendix 1, p. 47.

In addition to the totals given in the table, there were, for the period 1939-1948, 5,481 exchanges which are not listed by country. These exchanges were principally with the other American Republics under the provisions of P.L. 355 of the 76th Congress, 1st session (approved Aug. 9, 1939; 53 Stat. 1290) which implements the Convention for the promotion of Inter-American Cultural Relations signed at Buenos Aires, Dec. 23, 1936 (Treaty Series 928; 51 Stat. 178). These include grants to Americans as follows: 142 students, 220 research scholars, 1 teacher, and 641 specialists. The following grants were awarded to nationals of other countries during this period: 1,807 students, 30 research scholars, 140 teachers, and 2,481 leaders and specialists, of whom more than 500 were trainees from the Philippines under the Philippine Rehabilitation Act (P.L. 370, 79th Cong., 2d sess., approved Apr. 30, 1946; 60 Stat. 128). In some instances these early figures were estimated totals.

During the period 1949-1955 emergency aid grants were given, following the withdrawal of the Government of China to Taiwan, to 3,641 Chinese nationals to enable them to complete educational projects. Of these grantees, 3,498 were students already in the United States, 104 were teachers and research scholars, and 39 were Chinese students and scholars from other areas of the Far East who were brought to the United States under provisions of the legislation. For the details of this program, see *Program of Emergency Aid to Chinese Students* (Department of State publication 6343; 1956). Sixty-one Korean students were also given assistance under this program.

2. Belgium and Luxembourg were combined under Belgium for 1949 and 1950.

3. Laos, Cambodia, and Viet-Nam were grouped under Indochina for the years 1950, 1951, and 1953. Figures in this table were included under Viet-Nam for those years.

Part XX

ORGANIZATION AND SPECIAL RESPONSIBILITIES OF THE DEPARTMENT OF STATE AND THE FOREIGN SERVICE

Organization

[FOREIGN SERVICE ACT OF 1946: Public Law 724 (79th Congress, 2d Session), August 13, 1946] ¹

1. IMPLEMENTATION OF THE ROWE-RAMSPECK-DeCOURCY COMMITTEE'S RECOMMENDATIONS: Directive of the Department of State for the Improvement of Personnel Systems and Personnel Management of the Departmental and Foreign Services, April 16, 1951 ²

A. GENERAL EXPLANATION

This is a directive to improve the personnel systems and personnel management of the Departmental and Foreign Services. The course of action outlined below stems from the findings and recommendations of the Secretary's Advisory Committee on Personnel.³ This course of action is designed to improve personnel management primarily by administrative adjustments. It is consistent with the objectives advocated by the Advisory Committee but does not at this time go as far as the program recommended by the Committee.

B. PRINCIPAL OBJECTIVES AND BASIC APPROACH

The principal objectives of this directive are to—

1. Obtain, develop, and maintain an experienced and versatile career service capable of meeting the present and future needs of the Depart-

¹ 60 Stat. 999.

² *An Analysis of the Personnel Improvement Plan of the Department of State*, (House Foreign Affairs Committee Print, 82d Cong., 1st sess.), pp. 1-6.

³ For the text of the report to the Secretary of State by the Secretary's Advisory Committee on Personnel, see *ibid.*, pp. 19-67. The members of this committee were James H. Rowe, Jr., Robert Ramspeck, and William E. DeCourcy.

ment and the Foreign Service of the United States in the conduct of foreign affairs and to provide means for quickly supplementing this staff whenever conditions require temporary or permanent expansion of personnel.

2. Make maximum use of the skills and abilities of Departmental and Foreign Service personnel and broaden the range of their usefulness through training and developmental programs.

3. Eliminate inequities in the treatment of certain categories of Foreign Service employees.

4. Increase through voluntary means the flexible use of domestic and Foreign Service personnel interchangeably between overseas and domestic assignments, including a greater interchange with other Government agencies concerned with foreign affairs and increased utilization in the Foreign Service of qualified persons not now in the Government by means of lateral appointment to the Foreign Service Reserve.

5. Establish and maintain uniformly high standards in all phases of personnel management.

These objectives should be accomplished basically by administrative adjustments under the present Foreign Service Act of 1946¹ and in the Departmental personnel system, supplemented by legislative measures. The administration of the Foreign Service Act of 1946 should be adjusted so as to supply a substantially increased number of trained and experienced officers for present and future needs of the Government in the conduct of foreign affairs. Concurrently, the administration of the Departmental personnel system should give particular emphasis to developing a larger staff of persons willing and qualified to serve at home and abroad.

Achievement of these objectives will provide an informed basis for possible further integration in the future of the Departmental and Foreign Services under an improved personnel career system and for utilizing this system for staffing additional civilian overseas activities of the United States Government.

C. ASSIGNMENT OF RESPONSIBILITY

The Director of Personnel is hereby authorized and directed to develop and recommend to the Deputy Under Secretary for Administration implementing instructions and drafts of legislation and to take such other action within established delegations of authority as is necessary to accomplish the action steps outlined below. Policy and procedural changes affecting the Foreign Service will be submitted to the Board of the Foreign Service.

D. SPECIFIC IMPROVEMENT STEPS

The steps set forth below should be taken without delay to improve and strengthen the personnel management of the Departmental and Foreign Services.

¹ PL 724 (79th Cong., 2d sess.), Aug. 13, 1946; 60 Stat. 999.

1. Estimate of personnel requirements

Subject to the limitations imposed by a state of national emergency of indefinite duration, the types, levels, and numbers of personnel that will be required by the Department of State and the unified Foreign Service of the United States for the conduct of foreign affairs of the Government should be estimated for each of the next five years and for a longer period if practicable. This estimate should be used as a general guide in developing both short- and long-range programs for recruitment, training, promotion, and assignment of Departmental and Foreign Service personnel.

2. Exchange program

The scope of the present exchange program should be stepped up for an indefinite period with particular reference to: (1) the inclusion on a voluntary basis of Departmental employees occupying positions in which overseas experience is essential or desirable and, (2) the inclusion on a voluntary basis of employees of other agencies in numbers adequate to meet the needs of such agencies. As a consequence, there should be an increase in the number of assignments of Foreign Service personnel to the Department and to other agencies.

The performance records of participants in this program should adequately recognize the added experience acquired by all such officers.

3. Recruitment

More vigorous and far-reaching recruitment efforts should be undertaken both for the Departmental and Foreign Services, using as a basis the projection of personnel needs referred to in item A. In recruiting persons for positions in the Department for which dual service at home and abroad is desirable, efforts should be made to employ persons who are qualified and willing to serve abroad.

Departmental and Foreign Service recruitment activities should be closely coordinated and to the extent possible recruitment standards should be devised for types of work common to the two services.

4. Separation of unfit employees

Departmental and Foreign Service employees whose records clearly indicate that, after an adequate opportunity, they are incapable of meeting performance requirements should be separated. Full use should be made of the probationary period in this connection.

5. Additional improvements in Foreign Service personnel management

(a) *Complexion and use of personnel categories.*—Appointments to the Foreign Service and subsequent assignments and use of personnel should be made in accordance with the following:

The Foreign Service Staff category should be sharply reorganized in line with the intent of the Foreign Service Act of 1946

and in accordance with the recommendations of the Advisory Committee concerning the functions of a clerical and technical branch. As a consequence the Staff category should be used primarily to perform technical, technical-administrative, clerical, and other closely related functions. Both permanent and temporary appointments may be made to the Staff category as the needs of the Service require.

The Foreign Service Reserve category should be sharply redefined so that it is in fact the temporary-appointment vehicle for supplementing the Foreign Service officer category. In this connection the Foreign Service Act of 1946 should be amended to extend the period of service of a Reserve officer from four to five years. The Reserve category should be used to perform work which the Foreign Service officer category is insufficiently staffed to handle; to carry out special projects or programs of a temporary or emergency nature; to help in the initial staffing of new or expanded programs of a continuing nature; for the present exchange program; and as a means of enabling other agencies to temporarily assign personnel to the Service under a positive interagency exchange program to be worked out with those agencies. Concurrently, the Reserve category should not be used to staff activities normally performed by the Foreign Service Staff category.

In keeping with the Foreign Service Act of 1946, the Foreign Service officer category should be built to the strength necessary and used as the vehicle for staffing those executive and professional functions of a continuing nature which the Advisory Committee recommended be staffed by a Foreign Affairs officer branch.

(b) *Expansion of the Foreign Service officer category.*—The appointment of class 6 Foreign Service officers should be substantially increased to support the larger corps of Foreign Service officers.

Lateral entry into the Foreign Service officer category should be substantially increased in accord with the provisions of section 517 of the Foreign Service Act of 1946 but by the following liberalized measures:

(1) The present percentage limitations on the number of vacancies that can be filled by lateral entry should be removed for the next three years. (The number of vacancies to be established should take into account such additional needs for Foreign Service officers as may be required by the Government generally and for which the requisite funds can be secured.)

(2) Positive efforts should be made to induce qualified Departmental and Foreign Service Reserve and Staff personnel to compete for appointment under section 517.

(3) For each person appointed as a Foreign Service officer under section 517, a corresponding increase should be made in the authorized strength of the FSO category so as to assure maintenance of adequate promotional opportunities for Foreign Service officers presently employed.

(4) Candidates appointed as Foreign Service officers under these provisions should meet a standard with respect to experience, performance, and other evidences of qualifications which, in the aggregate, is comparable to the average of the Foreign Service officer class to which appointment is made.

(5) Section 413 (b) of the Foreign Service Act of 1946 should be amended to permit persons appointed as a Foreign Service officer to receive salary at any one of the rates provided for the class to which they are appointed.

(c) *Curtailment of Staff officer appointments.*—There should be a gradual curtailment in the appointment of permanent Foreign Service Staff officers for work which should be performed by Foreign Service officers or Foreign Service Reserve officers. This should be accomplished as rapidly as the other categories can be expanded to meet normal replacement needs; but without prejudicing compelling or emergency requirements for staffing expanded program activities of a continuing nature.

(d) *Examination and selection.*—Assure that the methods of examination and selection of personnel for all levels and all categories are consistent with the needs of the Department and the unified Foreign Service. In filling positions in labor, agriculture, and commercial categories, the qualifications standards to be applied will be developed in consultation with the member agencies of competence.

(e) *Assignment.*—Improved methods should be devised for the assignment, development, and utilization of personnel, including provisions for more realistic post complements and, to the extent practicable, elimination of excessively short tours of duty at any post.

As soon as additional qualified staff are available, increased use should be made of Foreign Service personnel in staffing special missions and programs in the foreign-affairs field and delegations to international organizations.

(f) *Training.*—Present training programs and efforts should be maintained and expanded if possible, with particular reference to such fields as international security, psychological warfare, civil affairs, and intelligence.

Increased emphasis should be placed on a positive program of executive development.

(g) *Promotion.*—The present promotion system, based on regular and systematic evaluation of employee qualifications, should be continued and strengthened. Adequate provision should be made for meritorious promotions. Foreign Service officers who develop occupational or area specialization should have promotional opportunities equal to those of "general officers". Executive ability should be given full recognition in selecting officers for promotion to positions of leadership and command.

(h) *Pay and related benefits.*—Salary differentials for service at hardship posts should be extended on an equal basis to all American personnel.

Legislation should be secured providing for an improved salary schedule and pay plan. The present separate schedules for the Foreign Service officer and Staff categories should be integrated into a single schedule which will reflect a reduction in the number of staff corps classes and an increase in the number of FSO classes.

Legislation should be sought to place permanent Foreign Service Staff personnel under the Foreign Service retirement and disability system to the extent that actuarial and related studies make this feasible. Except for purposes of disability retirement, future extra retirement credit for service at unhealthful posts should be eliminated when salary differentials for service at hardship posts are extended to all American personnel.

The Foreign Service leave system should be reexamined and consideration should be given to adjusting present leave benefits in the case of persons assigned to the United States to correspond more closely to leave benefits currently accruing to departmental employees.

(i) *Selection-out.*—A selection-out process should be retained for the Foreign Service and should be used to retire from the Service those who fail to meet performance requirements and those whose usefulness has become so marginal as to unduly inhibit the advancement of more able employees.

(j) *Emergency provisions.*—Provision should be made for the Secretary, whenever he determines an emergency to exist, to—

Recall any retired Foreign Service officer to active service.

Make temporary promotions in all categories of personnel.

Extend the period of service of a Reserve officer for an additional two years beyond the proposed five year maximum based on an extraordinary and compelling need in connection with a specific project.

Extend the period of service that an officer or employee of the Foreign Service may serve in the United States, not to exceed one additional year, based on an extraordinary and compelling need in connection with a specific project.

5. *Additional improvements in departmental service personnel management*

(a) *Dual service positions.*—Positions in the departmental service for which overseas experience is an essential or highly desirable qualification should be identified. To the extent that it is practical to do so these positions should be filled by persons possessing this qualification.

(b) *Recruitment and selection.*—Consistent with the difficulties imposed by the national mobilization effort and in the interest of building for the future, a maximum effort should be made to increase the employment of promising junior officers for the departmental service. In this connection, programs of intern training should be continued and strengthened in close coordination with entrance level requirements for the Foreign Service.

(c) *Promotion*.—Positive steps should be taken to develop an improved promotional system for the departmental service which will assure periodic evaluation of employee fitness for promotion.

(d) *Training and career development*.—Efforts should be made to develop further training and career-development programs for the departmental service. Legislation should be secured to enable departmental officers to receive training at Government expense in the same manner that Foreign Service personnel now receive training.

Increased emphasis should be placed on the Department's program of executive development, with particular reference to broadening the range of experience and competence of junior departmental and Foreign Service officers through training and work assignment rotation.

(e) *Turn-over*.—Efforts should be made to reduce voluntary turn-over of well-qualified personnel by improved placement and full utilization of employee skills and abilities.

E. GENERAL INSTRUCTIONS

Appropriate officers of the Department should be kept advised of progress toward achievement of the objective of an improved personnel system.

The Director of Personnel should arrange on an informal basis to obtain advisory assistance from other departments represented on the Board of the Foreign Service and from appropriate officers of the Department as will help him implement this directive. These arrangements should be considered as supplementary to (and not in lieu of) established procedures governing the advisory functions of the Board of the Foreign Service with respect to the personnel management of the Foreign Service. Maximum participation of other interested agencies in interagency bodies should be encouraged.

Employees should be kept informed periodically of important developments affecting their interests.

The continuing administration of the personnel program should be adjusted to conform to directives and instructions issued to implement the policies expressed in this directive.

The planning staff in the Office of Personnel should be strengthened to the full extent that this will facilitate the adjustments called for in this directive. This staff should include representatives of departmental personnel and of the Foreign Service and should consult with other Government agencies which rely upon the support of the Foreign Service abroad.

The limited legislation needed to accomplish the above improvements should be drafted and made ready for submission to the Congress no later than May 1, 1951.

TOWARD A STRONGER FOREIGN SERVICE: Report of the Secretary of State's Public Committee on Personnel (the Wriston Report), May 18, 1954¹

RECOMMENDATIONS OF THE WRISTON COMMITTEE: Letter From the Secretary of State to the Chairman of the Public Committee on Personnel, June 15, 1954²

DEAR DR. WRISTON: I have received and carefully studied the report of the Public Committee on Personnel transmitted by your letter of May 18.³ At my instruction, the report has been printed and is being released today.⁴

I should like to commend the Committee for the thorough and penetrating manner in which its public-spirited members, under your chairmanship, have dealt with the very difficult personnel and administrative problems of the Department of State. It was the complexity and vital importance of these problems, most of which have been recognized—but left unsolved—for some years, that persuaded me to seek appropriate corrective recommendations from this group of outstanding private citizens.

I felt that this study could not be attempted while the Department of State and Foreign Service were undergoing the dislocations of the reduction-force necessitated by budgetary restrictions. With that obstacle removed, we could proceed. Accordingly, I share the view of the Committee that now is the time for action.

Department of State publication 5458 (1954). The report was submitted May 18, 1954, was approved by the Secretary on June 7, 1954, and was made public on June 15, 1954. On Mar. 3, 1954, the Department of State announced the establishment of a Public Committee on Personnel to study and advise on measures necessary to increase the effectiveness of the career service to meet the vastly increasing responsibilities in the field of foreign policy that had devolved on the President and the Secretary. Members of the committee included: Herman Armour, Foreign Service officer, retired, former Assistant Secretary of State, and former Ambassador; John A. McCone, president, the Joshua Hendy Corp., Los Angeles; Robert Murphy, ex-officio member, Deputy Under Secretary of State; Morehead Patterson, chairman and president, American Machine and Foundry Co., N. Y.; Donald Russell, president of the University of S. C., and former Assistant Secretary of State; Charles E. Saltzman, general partner, Henry Sears & Co., N. Y., and former Under Secretary of State for Administration; John Hay Whitney, senior partner in J. H. Whitney and Co., N. Y.; and Dr. Henry M. Wriston, president of Brown University. Dr. Wriston was to serve as chairman of the committee (Department of State *Bulletin*, Mar. 15, 1954, pp. 413-414). The Department of State announced on Mar. 5, that the committee's field of interest would include the basic organization of the Service and its strength; personnel management with particular reference to the improvement of recruitment, training, and career-development programs; and the requirement to increase public confidence and fortify personnel morale (*ibid.*, p. 414).

Department of State *Bulletin*, June 28, 1954, pp. 1002-1004.

Ibid., p. 1004.

See *Toward a Stronger Foreign Service: Report of the Secretary of State's Public Committee on Personnel* (Department of State publication 5458; 1954).

I have been particularly concerned that the professional service, which bears the responsibility for carrying out the vastly intricate business of foreign affairs, has not expanded and broadened to meet the growing demands of today in the manner envisioned by the Congress when it passed the Foreign Service Act of 1946.¹ I am, therefore, particularly pleased that the Committee's recommendations not only embody an immediate program for strengthening this service, but also provide a long-range method of maintaining that essential strength.

As a first and fundamental step, I have today recommended, and the President has agreed to, the nomination of Mr. Charles E. Saltzman as Under Secretary of State for Administration. Mr. Saltzman, who served as one of the members of the Public Committee, is also a former Assistant Secretary of State. He will have the duty of initiating and directing the execution of this new program. Under my supervision he will also be in complete charge of the administrative offices and operations of the Department, and will, of course, have my full support in carrying out his mission.

Mr. Thruston Morton, with exceptional ability and devotion to public service, has been carrying the additional job of Acting Deputy Under Secretary for Administration. Mr. Saltzman's appointment will enable Mr. Morton once again to devote full time to his duties as Assistant Secretary for Congressional Relations. I am grateful to him for the administrative leadership he has provided during the interim period while the Committee was formulating its recommendations.

Mr. Saltzman believes, and I concur, that this new program can be fully launched and well underway by December 31, 1954, at which time the statutory authority for the position of Under Secretary of State for Administration expires, and at which time Mr. Saltzman intends to return to his business, from which he is taking a leave of absence.

I heartily endorse the two key recommendations made by the Committee:

A. Integration of the personnel of the Departmental home service and the Foreign Service where their functions and responsibilities converge.

B. The bold and imaginative recruitment and scholarship program whereby the Foreign Service would obtain a constant and adequate flow of qualified young men and women representing the best cross section of American life. Under this program, members of Congress would in the future have a part in selecting the candidates for the Foreign Service Corps, much as they now do for West Point and Annapolis.

I have issued instructions to initiate these forwardlooking recommendations. Specifically, I have taken the following actions:

¹ PL 724 (79th Cong., 2d sess.), Aug. 13, 1946; 60 Stat. 999.

By signing certain orders, I have accepted as valid your central recommendation that those officers of the Departmental home office and the Foreign Service who perform similar and related functions should be integrated into one personnel system. Such a system, as you point out, can fortunately be built, in large part, on the excellent existing statutory foundation of the Foreign Service Act of 1946.

I believe, with the Committee, that the national interest dictates the creation of a Foreign Service Officer (Fso) Corps that is more flexible and broadly versatile than at present. We must take into particular account the need for specialized skills in the solution of the increasingly complex problems of today. I have directed that this be done.

I have accepted the Committee's recommendation that a substantial number of Departmental positions, probably about 1,450, be designated for staffing by the Fso Corps, and that the present incumbents of those positions be encouraged to enter the new Foreign Service to serve at home or abroad, as the Department's needs require.

I also agree that all officer positions abroad under the Chiefs of Mission should be similarly designated, and members of the Foreign Service Reserve (Fsr) Corps and such of the Foreign Service Staff (Fss) Corps as presently hold those positions should likewise be encouraged to enter the Fso group.

I have endorsed the Committee's recommendations that a revised and liberalized examination process should be instituted to effect these transfers, which I expect will raise the strength of the Fso Corps from about 1,300 to nearly 4,000.

I have issued instructions to consult with appropriate members of the Congress regarding the Committee's report and its recommendations with the objective of putting into effect as quickly as possible the fundamental recommendations of the Committee related to the proposed integration program. I understand from your report that certain minor amendments to existing legislation will be necessary to carry out this program.

I have also directed that action be taken to seek legislative authority for the scholarship program proposed by the Committee. This program, providing for two-year scholarship awards to outstanding young men and women after competitive examinations, would insure the constant renewal of the Foreign Service from colleges in all parts of the country. It seems to me that the scholarship program is a most important and unique feature of the Committee's recommendations.

I agree with the Committee that Congressional appointment to the competitions for the majority of these scholarships is desirable, with the Executive Branch having an appropriate share.

Since the scholarship training program will require legislative action and, in any case, will take time to initiate, there is need for immediate and interim action. I am particularly gratified that the Committee considered this factor, and I have adopted the recommendations to modernize and speed up the examining and appointment procedures for Foreign Service officers of the beginning grade.

10. I have endorsed your recommended steps to insure that entering officers will be truly representative young men and women, from all sections of our country.

11. I agree with the Committee's analysis of the importance of the training function of the Foreign Service Institute in preparing our diplomatic officers for their tasks, and for inculcating in them the skills and knowledge so necessary in the practice of present day foreign affairs. To this end, I have accepted your recommendations for strengthening the Institute so that it will have a status more nearly equivalent to that of our war colleges, as envisioned by the Congress when it enacted the Foreign Service Act of 1946.

12. I am completely in agreement with the Committee's views on the importance of establishing a true career development system, especially as reflected in the training and assignment of the Department's personnel. Only through the existence of such a system can the Department attract and hold the highly qualified and dedicated body of men and women who must make up our professional service.

These, it seems to me, are the basic recommendations of the Committee, and they will be put into effect as rapidly as possible. There are, of course, a few other detailed recommendations dealing with personnel administration which require further study by myself and the other senior officers of the Department. I have in mind such suggestions as those concerning the inspection function, allowances and retirement benefits, and leave and salary adjustments. I shall see that this study is vigorously carried forward.

I am glad to have the Committee's endorsement of the Department's present effort to complete its security screening program as quickly as possible. We shall continue that effort, and shall equally, of course, continue to insure that this program is administered with the most careful fairness and objectivity.

Please allow me to express to you, and to the other members of the Committee, my appreciation of your efforts and my conviction that you have made a substantial contribution to the strength and future of the Department of State and its career service.

Sincerely yours,

JOHN FOSTER DULLES

IMPLEMENTATION OF THE WRISTON COMMITTEE'S RECOMMENDATIONS: Report of the Third Audit Meeting of the Public Committee on Personnel, December 13, 1955¹

Mr. Secretary:

in accordance with your request the members of your Committee have completed a third review of actions taken by the Department in carrying out your orders implementing our recommendations.² Deputy Under Secretary Loy W. Henderson³ and his staff presented a detailed review of developments since our meeting last February.⁴ We note progress toward the implementation of many of the recommendations in our report to you, and the supplemental suggestions following our second meeting. Mr. Henderson is to be warmly congratulated on a fine performance and on the initiative and untiring attention which he has shown in the crucial position which he holds. The Committee is gratified that, with the sympathetic interest of Congress, the Department has obtained much of the legislative authority required to meet its various recommendations.

Among the principal actions are the following:

Public Law 250⁵ authorized the appointment of three Deputy Under Secretaries of State, thus permitting the establishment of the position of Deputy Under Secretary of State for Administration.

The position of Career Ambassador of the United States has been created (P. L. 250, Sec. 4) and we note that steps have been taken which should shortly enable the President to name a few outstanding Career Ministers to that high position.

Section 821 of the Act of 1946 has been amended⁶ so that retirement annuities of Foreign Service officers may be calculated on the basis of the highest five years of service for which full contributions to the fund have been made. This action removes the former ceiling which we viewed as unjust; it gives more equitable treatment to

¹ Issued as a "Departmental Notice" on Jan. 23, 1956. See in this connection a statement by the Secretary of State of Feb. 2, 1956; Department of State *Bulletin*, 13, 1956, pp. 248-249.

² The first audit report, dated Oct. 12, 1954, was also issued as a "Departmental Notice," on Nov. 4, 1954. See in this connection Department of State statement of Oct. 4, 1954 (*ibid.*, Oct. 18, 1954, p. 570); statement by Secretary of State of Sept. 8, 1954 (*ibid.*, Sept. 27, 1954, pp. 444-446); and address by Charles L. Saltzman, Under Secretary for Administration, on Sept. 10, 1954 (*ibid.*, pp. 436-444). The second audit report, dated Feb. 26, 1955, was made public on Mar. 23, 1955, also as a "Departmental Notice"; *ibid.*, Apr. 11, 1955, pp. 623-627.

³ Loy W. Henderson was designated Deputy Under Secretary for Administration effective Jan. 26, 1955.

⁴ Reference is to second audit report noted above.

⁵ P. L. 250, 84th Cong., 1st sess., Aug. 5, 1955; 69 Stat. 536.

⁶ *ibid.*, 537.

officers of long service. Also of benefit is the provision which permits Foreign Service officers to choose whether they wish to receive the pay differential at a hardship post or credit for time and a half toward retirement. Provisions for education allowances for children of Foreign Service employees serving overseas and for a home transfer allowance give a much brighter aspect to the entire allowances structure in which the Committee has a continuing interest. The officers who did the necessary work to implement the authorizing legislation deserve commendation.

Section 413 (b) of the Act¹ has been amended to permit appointment of lateral entrants at any salary step within a Foreign Service officer class, thereby permitting transfer without diminution of salary. The results of this action on the rate of integration and in equitable treatment of officers being integrated are notable. Congress has established a ceiling of 1,250 (in addition to the first authorization of 500) on the number of lateral entrants who may be brought into the Foreign Service officer corps and has undertaken to review a request for added authority if the need should arise.

New Legislation:

The Committee has been asked for its views on additional legislation to amend the Foreign Service Act of 1946.

It fully supports the proposal for an increase in salaries of Chiefs of Mission and of the senior Foreign Service officer classes. It is likewise sympathetic to the Department's plans to request the Congress for authority to permit a modest number of additional lateral appointments (in the neighborhood of 100 to 125) to be made from among persons who were not on the rolls of the Department or the Foreign Service Reserve or Staff as of March 1, 1955, yet possess abilities needed in the Foreign Service.

Members of the Committee who have travelled extensively during the past year and observed conditions in foreign posts also stressed the need for additional facilities, most particularly housing and commissaries, recreational facilities, provisions for education and health for Foreign Service personnel and their dependents in hardship areas. We note that the Department is considering requesting authority and appropriations to proceed with improvements of this nature. We urge that these be pursued vigorously with the appropriate committees of Congress.

Foreign Service Positions:

After unusually careful consideration, the Committee noted with concern that several positions which had been designated as "Foreign Service" had, notwithstanding, been filled by persons with Civil

¹ 60 Stat. 1003.

Service classifications, who were either unable or unwilling to be integrated. This practice breaches the basic policy of the program, which was to cease staffing Foreign Service positions with Civil Service personnel and to transfer those who had not been integrated into non-Foreign Service posts.

The Committee notes that your directive as set forth in Departmental Circular #115, dated September 8, 1954,¹ read "With exceptions based on individual circumstances, Departmental officers holding 'Foreign Service positions' who are unwilling to transfer will be moved to 'non-Foreign Service positions' in the Department or assisted to find other employment. The Department will endeavor to minimize the disruption to the careers of such employees. Every effort will be made to complete this phase of the program within three years". The Committee now discerns a tendency not to pursue this directive with sufficient vigor. This was evidenced by the fact that very few persons classified in the Civil Service have been moved from Foreign Service positions into others still classified in the Civil Service. Further evidence indicated that nothing has been done to encourage those "unwilling" to transfer to find other employment. It seems clear to the Committee that the difficult problems in effecting so large a re-organization are sufficiently numerous under the best circumstances. They will most certainly be multiplied by the adoption of expedients which readily harden into routine practices and defeat the clear and explicit directive of the Secretary.

Age:

The problem of the application of age limitations to the transfer of lateral entrants has been of continuing concern to the Committee. The adoption of more liberal regulations by the Board of Examiners of the Foreign Service is, therefore, encouraging. These modifications should help to meet the Committee's apprehension that the previously more restrictive standards tended to perpetuate the duality in Foreign Service personnel administration which the present program is designed to eliminate.

Assignment and Career Development:

Career development is a field in which the Committee has had a long-standing interest and one which has particular significance for the future of the Foreign Service. Members of the Office of Personnel have outlined their views, their long-range planning and the steps which they have taken. It is evident that much time and thought has been devoted to the problem. Nevertheless a great deal remains to be done.

¹ Department of State *Bulletin*, Sept. 27, 1954, pp. 444-446.

The Committee has given close attention to the report of the Deputy Assistant Secretary for Personnel on the problems involved in sending to the field Departmental officers who have been integrated and in creating an even flow between the field and the Department without disrupting the work of either. It is fully convinced that this process will not proceed either at the pace that it should, as smoothly as it ought, or as effectively as it needs to, until the job analysis for each post has been put upon punch cards and the personnel characteristics, experience, skills and capabilities of each officer have also been put on punch cards, and put into active use.

Only when this is done will it be possible to make the swift and accurate assignments which are so essential to the smooth operation of so complex a process. We consider it essential that this should be put in the hands of some person of experience and skill charged with it not as a matter of marginal attention, but as his central responsibility; the process should be started without further delay. It would not substitute mechanical for personal judgment, but should help speed up and make more effective and economical a routine operation presently carried out laboriously by hand. This would facilitate more speedy personal judgments.

We are gratified to learn of plans to reappraise officers periodically for personnel purposes and to enable assignment officers to benefit from multiple rather than one man appraisals. With the growth of the Foreign Service there is need to improve and extend the information available to officers in charge of assignments. Without such information no career development system can be meaningful. A necessary corollary to this improvement of personnel information must be the selection and training of qualified officers for administrative work, for specialized economic tasks and for other specialized fields.

Man-in Motion:

The Committee was particularly happy to note clear evidence of increased effectiveness in the presentation of the needs of the Department to the Bureau of the Budget. It expressed the hope that these procedures will be still further strengthened in future presentations. We are greatly pleased also at the cooperative spirit manifested by the officers of the Bureau of the Budget toward Departmental requests.

At our last meeting we were impressed with the necessity for developing a realistic personnel and budget procedure in order to keep full post complements available at all times in Foreign Service establishments. We are informed that the Bureau of the Budget has recognized this need in principle. The Department's plans for its fiscal year 1957 budget would permit the assignment of replacements to positions designated as of *special* importance simultaneously with the departure for home leave and transfer of previous incumbents. We hope that when the next presentation to the Bureau of the Budget is made there [will] be further provision for the "full staffing factor"

Commitment:

We congratulate the Department on the impressive success of its writing program. It has resulted in more than ten times as many persons taking the written examination for the Foreign Service in 1955 than in 1954. This is clear evidence that the reputation of the Foreign Service among young people has been restored and they are anxious to make it their careers.

We note also that the new form of examination has produced substantially the same percentage of passing grades as the earlier examination, the figures for six years being:

1950	1951	1952	1953	1954	1955
20.2	22.79	22.4	20.8	20.7	19.7

The screening in the oral examinations is being carried forward vigorously. A somewhat smaller percentage of those who have passed the written examination are being accepted after the oral examination.

The wastage of prospective officers through security requirements continues to be negligible. From these observations the Committee concludes that there is no evidence of any deterioration of quality because of the revisions in examination procedures which have been instituted during the last 18 months.

As has been the case in the past and as the Committee hoped, no "specialized" preparation for the Foreign Service dominated the recruitment; indeed, those with the broadest and most fundamental educational programs showed the best percentages in passing the written examination.

However, we consider it important that the results of the examinations be continuously evaluated with a view to determining whether new procedures are producing not only the number but also the type of officer required to meet the needs of our representation abroad. The continuing reappraisal will pay worthwhile dividends and will assist in maintaining the momentum built up through the growing effectiveness in the colleges and universities of the rewarding possibilities of a Foreign Service career.

Applicants in Processing:

The Committee is seriously disturbed, however, by the present delay in processing applicants for the Foreign Service officer corps, particularly prospective FSO-6's.

Even with increased centers where the written examinations for entry into Class 6 may be taken, with the decentralizing of the oral examination process to various parts of the United States and with modification of the former requirement for full security clearance of applicants before oral examination, it still remains a fact that the completion of the appointment process is requiring a minimum of

about six months. While it is realized that delay in many cases arises from unavailability due to military service or other causes, we believe that a determined attempt should be made to speed up this operation. The striking improvement in recruiting rests upon assurances that protracted waiting between examination and appointment would be remedied. Failure to carry out those assurances would impair the improved relationship with educational institutions.

Foreign Service Institute:

We are pleased with the evidence of the strengthening of the Foreign Service Institute. With the approval of the White House and the Secretary, the training plans of the Institute have been given high priority and the program has been expanded. Organization has been markedly improved, and the staff has been augmented both quantitatively and qualitatively. Junior and mid-career officer training courses have been instituted.

The Director of the Institute is to be commended on the devotion and imagination he has brought to his work. Three points, however, we would like to emphasize. First, the physical facilities remain unsatisfactory. In spite of energetic attempts to ameliorate the situation, the results fall short of providing the facilities such a high-level institution should have. Second, we reiterate our conviction that the Institute program should be greatly strengthened for the career development of senior officers. Third, the language program should be enlarged and made more readily available.

There are and long have been more full time language students enrolled in the Foreign Service Institute for a considerable period of time who come from the Air Force than from the Department of State and the Foreign Service. This means simply that the budget of the Air Force has for years provided enough persons so that when an officer is to be assigned overseas as an attaché there are replacements available to carry on while he spends many months studying a foreign language. This is wise and we commend the Air Force for the procedure.

It is obvious, however, that the Foreign Service has more need for foreign languages than the Air Force. Yet it has been so restricted in available personnel that it has not released adequate numbers of men from daily tasks to permit mastery of the language of the country to which they are to be assigned. We observe with satisfaction that the number is increasing and that requests in the next budget propose to increase it still further; we earnestly hope that this practice will continue to be developed.

We also feel strongly that the mere requirement that a person shall "pass an examination" in a modern foreign language before he is promoted to grade FSO-5 is inadequate. There should be a requirement that before he is promoted to Class 3 he should be given the

portunity for further study, if necessary, so that he shall not have what knowledge he had but will actually be in fluent command of the appropriate language. In order to make this possible, however, our personnel must be found to permit releasing Foreign Service officers for study on a more comprehensive basis than heretofore.

With regard to earlier recommendations regarding the services which can be adequately and economically performed elsewhere on a contract basis we have noted that university assignments have been substantially expanded and that the Institute has plans for further expansion.

In connection with this and other developments within the Institute we are pleased to learn that the Department will reconstitute its Advisory Committee. In our judgment this Committee should be formed soon so that its advice may be available to the Institute and give it added prestige.

The Committee has at all times been aware of the Foreign Service's difficulties in finding needed specialists. It heard with particular satisfaction that arrangements are being entered into with the Department of Commerce for the exchange of some Foreign Service personnel with Commerce personnel and that a like arrangement has been made for the exchange of an officer with the Budget Bureau. This process is certain to promote better understanding of the problems of mutual concern. We hope this practice may be expanded so that it will facilitate the staffing of posts requiring specialists, particularly during the difficult transition period. We feel also that the problems of staffing which have been acute can be met by better use of the Foreign Service Reserve provisions of the Law of 1950.

In our discussion there was comment upon recent articles appearing in newspapers and periodicals critical of the Foreign Service and the Department. These have stressed faults or shortcomings to the correction of which your program was directed. These articles and letters have seldom taken cognizance of the new administrative program or the progress which has been made in its implementation. The Committee recommends urgently that ways be found not only to employ all the available facilities of the Department but also every other means to bring to the attention of the public the essential nature of the program and the steps which are in progress to carry out and the benefits to the Department and the Foreign Service which will ensue therefrom.

This Committee was appointed in March 1954 and has been in existence, at various times, for a year and two-thirds. Since our major report, in June 1954,¹ we have had three auditing sessions.

Toward a Stronger Foreign Service: Report of the Secretary of State's Public Committee on Personnel (Department of State publication 5458; 1954).

It was upon the suggestion of this Committee itself, when it made its original report, that you continued it in a consultative capacity in order to advise you as to progress in implementing those portions of the program which you specifically approved. The principles of the reorganization have now been established and much of the machinery for the implementation has been framed.

The Committee feels, therefore, that it ought not to continue in the capacity of "watchdog" unless, on thorough review by you and the officers associated with you, you are convinced there are positive reasons for so doing.

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Passports

6. AUTHORITY OF THE SECRETARY OF STATE IN THE ISSUANCE OF PASSPORTS: Statement by the Department of State, May 24, 1952¹

1. The Secretary of State has discretionary authority in the issuance of passports, both as a power inherent in the exercise of the Presidential authority to conduct foreign relations and as a matter of statutory law.²

2. Various Secretaries of State have exercised the right to refuse passports or withdraw passports already issued. Various courts and attorneys general of the United States have rendered opinions in which the discretionary authority of the Secretary of State in the issuance of passports has been recognized. In an opinion of August 29, 1901, the Attorney General stated:

Substantial reasons exist for the use by Congress of the word "may" in connection with authority to issue passports. Circumstances are conceivable which would make it most inexpedient for the public interests for this country to grant a passport to a citizen of the United States. For example, if one of the criminal class, an avowed anarchist for instance, were to make such application, the public interests might require that his application be denied.

Without expressing any opinion as to whether a passport should be granted to Ng Faun, I advise you that it may, in your discretion, be granted or withheld.³

In the case of *Perkins v. Elg*, 307 U. S. 325 (1939), the Supreme Court, after holding that the Secretary of State should be included in a decree declaring the plaintiff to be a natural-born citizen of the United States, had the following to say:

The decree in that sense would in no way interfere with the exercise of the Secretary's discretion with respect to the issue of a passport but would simply preclude the denial of a passport on the ground⁴ that Miss Elg had lost her American citizenship.

3. For many years the Department has refused passports to persons for many reasons. For example, passports are denied when evidence in the Department's files shows that the applicant for the passport is a fugitive from justice or mentally ill or likely to become a public charge abroad, et cetera.

4. For many years the Department has also refused passports to persons when it had in its files clear evidence that they had, on previous trips abroad, engaged in political activities in foreign countries.

5. The Department reexamined its policy respecting the issue of passports to Communists and persons believed to be Communists and subversives after both the judicial and legislative branches of the

¹ Department of State *Bulletin*, June 9, 1952, pp. 919-920.

² See the act of Aug. 18, 1956 (11 Stat. 60), the act of June 14, 1902 (32 Stat. 386), and the act of July 3, 1926 (44 Stat. 887).

³ 23 Op. Atty. Gen. 509-511, at 511.

⁴ This phrase in the opinion of the Supreme Court as reported in 307 U. S. 325 reads "on the sole ground."

Government had made certain findings concerning the Communist movement in the United States. The U. S. Court of Appeals for the Second Circuit, in upholding the conviction of the 11 leading Communists in New York, found that the conspiracy in which they were participants was a "clear and present danger to the United States."¹ The Congress of the United States, in the Internal Security Act of 1950,² made these findings: That there exists a world-wide Communist revolutionary movement, the purpose of which is by treachery, deceit, espionage, and sabotage to establish a Communist totalitarian dictatorship in countries throughout the world; that, due to the world-wide scope of the movement, the travel of Communist members, representatives, and agents from country to country is a prerequisite for the carrying on of activities to further the purpose of this revolutionary movement; and that individuals in the United States, by participating in this movement, in effect, repudiate their allegiance to the United States and transfer their allegiance to the foreign country which controls the Communist movement.

It was decided that, in view of the findings by the court and the Congress, it would be inappropriate and inconsistent for the Department to issue a passport to a person if information in its files *gave reason to believe* that he is knowingly a member of a Communist organization or that his conduct abroad is likely to be contrary to the best interests of the United States. This policy has been followed since February 1951, and, in view of the national emergency proclaimed by President Truman³ and the conditions existing in various areas of the world, it is believed that it should be closely adhered to.

6. A passport certifies to foreign governments not only the citizenship and identity of the bearer, but requests them to permit him safely and freely to pass and, in case of need, to give all lawful aid and protection. Possession of the passport indicates the right of the bearer to receive the protection and good offices of American diplomatic and consular officers abroad. The right to receive the protection of this Government is correlative with the obligation to give undivided allegiance to the United States. A person whose activities, either at home or abroad, promote the interests of a foreign country or a political faction therein to the detriment of the United States or of friendly foreign countries should not be the bearer of an American passport.

7. Passports are refused only on the basis of very clear and definite reports from the investigative and security offices of this Department and of other Government departments and agencies and from foreign governments containing well-authenticated information concerning past and present activities and associations of the applicant. The decision not to issue a passport or to withdraw a passport already issued does not represent the judgment of the Passport Division alone, but is reached after consultation by responsible officers of the Passport

¹ This is apparently based on the statement, in the Court's opinion, "We hold that it is a danger 'clear and present'" (183 F. (2d), 201-237, at 213).

² PL 831 (81st Cong., 2d sess.), Sept. 23, 1950; 64 Stat. 987.

³ Proclamation 2914 of Dec. 16, 1950; 15 Fed. Reg. 9029.

Division with security officers, and political and administrative officers of the Department. This group varies according to the area or areas in which the applicant desires to travel. The decision is therefore the decision of the Department.

8. Any applicant who has been refused a passport has every right and is given every opportunity to request further consideration of his case and may present any evidence or information which he may wish to have considered. The particularity with which he may be informed of the contents of the reports in the Department's file depends, of course, upon the source and classification of such reports, but it is usually possible to inform him in a general way of the nature of the evidence and the information upon which he has been refused a passport. Any new evidence or information which the applicant may submit is referred to the officers who first examined the case for evaluation and expression of opinion as to whether a passport may be issued. The Department cannot violate the confidential character of passport files by making public any information contained therein.

9. The Secretary of State has the authority to establish any administrative procedures respecting passports which he may deem appropriate. These procedures are under constant review and a continuing effort is made to see that they are fair and efficient. There is a board in the Passport Division for questions of loss of nationality. The consultations between officers of the Passport Division and officers of other divisions of the Department and with the Foreign Service abroad, in effect, constitute in a given case a most fair and comprehensive board of review action in the denial of a passport in the interests of the United States.¹

7. REGULATIONS CONCERNING THE ISSUANCE OF PASSPORTS, AUGUST 28, 1952²

Pursuant to the authority vested in me by paragraph 126 of Executive Order No. 7856, issued on March 31, 1938 (3 F. R. 681; 22 CFR 1.177), under authority of section 1 of the act of Congress approved July 3, 1926 (44 Stat. 887; 22 U. S. C. 211 (a)), the regulations issued on March 31, 1938 (Departmental Order 749) as amended (22 CFR 51.101 to 51.134) are hereby further amended by the addition of new §§ 51.135 to 51.143 as follows:

Sec.

- 1.135 Limitations on issuance of passports to persons supporting Communist movement.
- 1.136 Limitations on issuance of passports to persons likely to violate laws of the United States.

¹ See in this connection statement by Secretary of State Acheson of June 18, 1952; Department of State *Bulletin*, July 7, 1952, pp. 40-42.

² 17 *Fed. Reg.* 8013-8014. See in this connection statement issued by the Department of State on Sept. 2, 1952; Department of State *Bulletin*, Sept. 15, 1952, p. 417.

Sec.

- 51.137 Notification to person whose passport application is tentatively disapproved.
- 51.138 Appeal by passport applicant.
- 51.139 Creation and functions of Board of Passport Appeals.
- 51.140 Duty of Board to advise Secretary of State on action for disposition of appealed cases.
- 51.141 Bases for findings of fact by Board.
- 51.142 Oath or affirmation by applicant as to membership in Communist Party.
- 51.143 Applicability of §§ 51.135 to 51.142.

AUTHORITY: §§ 51.135 to 51.143 issued under sec. 1, 44 Stat. 887; 22 U. S. C. 211a.

§ 51.135 *Limitations on issuance of passports to persons supporting Communist movement.* In order to promote the national interest by assuring that persons who support the world Communist movement of which the Communist Party is an integral unit may not, through use of United States passports, further the purposes of that movement, no passport, except one limited for direct and immediate return to the United States, shall be issued to:

(a) Persons who are members of the Communist Party or who have recently terminated such membership under such circumstances as to warrant the conclusion—not otherwise rebutted by the evidence—that they continue to act in furtherance of the interests and under the discipline of the Communist Party:

(b) Persons, regardless of the formal state of their affiliation with the Communist Party, who engage in activities which support the Communist movement under such circumstances as to warrant the conclusion—not otherwise rebutted by the evidence—that they have engaged in such activities as a result of direction, domination, or control exercised over them by the Communist movement.

(c) Persons, regardless of the formal state of their affiliation with the Communist Party, as to whom there is reason to believe, on the balance of all the evidence, that they are going abroad to engage in activities which will advance the Communist movement for the purpose, knowingly and wilfully of advancing that movement.

§ 51.136 *Limitations on issuance of passports to persons likely to violate laws of the United States.* In order to promote the national interest by assuring that the conduct of foreign relations shall be free from unlawful interference, no passport, except one limited for direct and immediate return to the United States, shall be issued to persons as to whom there is reason to believe, on the balance of all the evidence, that they are going abroad to engage in activities while abroad which would violate the laws of the United States, or which if carried on in the United States would violate such laws designed to protect the security of the United States.

§ 51.137 *Notification to person whose passport application is tentatively disapproved.* A person whose passport application is tentatively disapproved under the provisions of § 51.135 or § 51.136 will be

tified in writing of the tentative refusal, and of the reasons on which is based, as specifically as in the judgment of the Department of State security considerations permit. He shall be entitled, upon request, and before such refusal becomes final, to present his case and all relevant information informally to the Passport Division. He shall be entitled to appear in person before a hearing officer of the Passport Division, and to be represented by counsel. He will, upon request, confirm his oral statements in an affidavit for the record. After the applicant has presented his case, the Passport Division will review the record, and after consultation with other interested offices, advise the applicant of the decision. If the decision is adverse, such advice will be in writing and shall state the reasons on which the decision is based as specifically as within the judgment of the Department of State security limitations permit. Such advice shall also inform the applicant of his right to appeal under § 51.138.

§ 51.138 *Appeal by passport applicant.* In the event of a decision adverse to the applicant, he shall be entitled to appeal his case to the Board of Passport Appeals provided for in § 51.139.

§ 51.139 *Creation and functions of Board of Passport Appeals.* There is hereby established within the Department of State a Board of Passport Appeals, hereinafter referred to as the Board, composed of not less than three officers of the Department to be designated by the Secretary of State. The Board shall act on all appeals under § 51.138. The Board shall adopt and make public its own rules of procedure, to be approved by the Secretary, which shall provide that its duties in any case may be performed by a panel of not less than three members acting by majority determination. The rules shall accord applicant the right to a hearing and to be represented by counsel, and shall accord applicant and each witness the right to inspect the transcript of his own testimony.

§ 51.140 *Duty of Board to advise Secretary of State on action for disposition of appealed cases.* It shall be the duty of the Board, on all the evidence, to advise the Secretary of the action it finds necessary and proper to the disposition of cases appealed to it, and to this end the Board may first call for clarification of the record, further investigation, or other action consistent with its duties.

§ 51.141 *Bases for findings of fact by Board.* (a) In making or renewing findings of fact, the Board, and all others with responsibility for so doing under §§ 51.135 to 51.143, shall be convinced by a preponderance of the evidence, as would a trial court in a civil case.

(b) Consistent and prolonged adherence to the Communist Party line on a variety of issues and through shifts and changes of that line will suffice, prima facie, to support a finding under § 51.135 (b).

§ 51.142 *Oath or affirmation by applicant as to membership in Communist Party.* At any stage of the proceedings in the Passport Division or before the Board, if it is deemed necessary, the applicant may be required, as a part of his application, to subscribe, under oath or affirmation, to a statement with respect to present or past membership in the Communist Party. If applicant states that he is a Com-

munist, refusal of a passport in his case will be without further proceedings.

§ 51.143 *Applicability of §§ 51.135 to 51.142.* When the standards set out in § 51.135 or § 51.136 are made relevant by the facts of a particular case to the exercise of the discretion of the Secretary under § 51.75, the standards in §§ 51.135 and 51.136 shall be applied and the procedural safeguards of §§ 51.137 to 51.142 shall be followed in any case where the person affected takes issue with the action of the Department in granting, refusing, restricting, withdrawing, cancelling, revoking, extending, renewing, or in any other fashion or degree affecting the ability of a person to use a passport through action taken in a particular case.

Date of issuance: August 28, 1952.

For the Secretary of State.

W. K. SCOTT,
Acting Deputy Under Secretary.

8. RULES OF THE BOARD OF PASSPORT APPEALS, JANUARY 4, 1954¹

Pursuant to the authority vested in the Board of Passport Appeals by the Regulations of the Secretary of State issued on August 28, 1952 (17 F. R. 8013; 22 CFR 51.139)² and pursuant to the authority vested in the Secretary of State by paragraph 126 of Executive Order No. 7856, issued on March 31, 1948 [1938] (3 F. R. 681; 22 CFR 51.77), under authority of section 1 of the act of Congress approved July 3, 1926 (44 Stat. 887; 22 U. S. C. 211 (a)), the regulations issued on March 31, 1938 (Departmental Order 749) as amended (22 CFR 51.101 through 51.143) are hereby further amended by the addition of the following rules of the Board of Passport Appeals as adopted by the Board, and approved by the Secretary for incorporation as §§ 51.151 through 51.170 of Subpart B of Part 51 of 22 CFR:

Sec.

- 51.151 Organization of Board.
- 51.152 Decisions of the Board.
- 51.153 Counsel to the Board.
- 51.154 Examiner.
- 51.155 Chairman.
- 51.156 Prior administrative remedies.
- 51.157 Petition.
- 51.158 Delivery of papers.
- 51.159 Notice of hearing.
- 51.160 Appearance.

¹ 19 *Fed. Reg.* 161-162. See in this connection statement issued by the Department of State on June 6, 1955; Department of State *Bulletin*, June 27, 1955, pp. 1050-1051.

² See *supra*.

Sec.

- 51.161 Applicant's attorney.
- 51.162 Supplementary information to applicant.
- 51.163 Hearings.
- 51.164 Admissibility.
- 51.165 Argumentation.
- 51.166 Privacy of hearings.
- 51.167 Misbehavior before Board.
- 51.168 Transcript of hearings.
- 51.169 Notice of decision.
- 51.170 Probative value of evidence.

AUTHORITY: §§ 51.151 to 51.170 issued under sec. 1, 44 Stat. 887; 22 U. S. C. 211a.

§ 51.151 *Organization of Board.* The Secretary of State shall appoint a Board of Passport Appeals consisting of three or more members, one of whom shall be designated by the Secretary as Chairman. The Chairman shall assure that there is assigned to hear the appeal of any applicant a panel of not less than three members including himself or his designee as presiding officer, which number shall constitute a quorum.

§ 51.152 *Decisions of the Board.* Decisions shall be by majority vote. Voting may be either in open or closed session on any question except recommendations under § 51.140, which shall be in closed session. Decisions under § 51.140 shall be in writing and shall be signed by all participating members of the Board.

§ 51.153 *Counsel to the Board.* A Counsel, to be designated by the Secretary of State, shall be responsible to the Board for the scheduling and presentation of cases, aid in legal and procedural matters, information to the applicant as to his procedural rights before the Board, maintenance of records and such other duties as the Board or the Chairman, on its behalf, may determine.

§ 51.154 *Examiner.* The Board may, within its discretion, appoint an examiner in any case, who may, with respect to such case, be vested with any or all authority vested in the Board or its presiding officer, subject to review and final decision by the Board, but, an applicant shall not be denied an opportunity for a hearing before the Board unless he expressly waives it.

§ 51.155 *Chairman.* The Chairman, or his designee, shall preside at all hearings of the Board, and shall be empowered in all respects to regulate the course of the hearings and pass upon all issues relating thereto. The Chairman, or his designee, shall be empowered to administer oaths and affirmations.

§ 51.156 *Prior administrative remedies.* It is required that prior to petitioning for an appeal, an applicant shall (a) exhaust the administrative remedies available in the Passport Office, as set out in § 51.137, and (b) comply with the provisions of § 51.142, as a part of his application, if deemed necessary by the Passport Office.

§ 51.157 *Petition.* An applicant desiring to take an appeal shall, within thirty calendar days after receipt of the advice of adverse

decision by the Passport Office, file with the Board a written petition under oath or affirmation which shall, in plain and concise language, refute or explain the reasons stated by the Passport Office for its decision.

§ 51.158 *Delivery of papers.* Petitions or other papers for the attention of the Board may be delivered personally, by registered mail, or by leaving a copy at the offices of the Board at the address to be stated in the advice of adverse action furnished applicant by the Passport Office.

§ 51.159 *Notice of hearing.* Applicant shall receive not less than five calendar days notice in writing of the scheduled date and place of hearing which shall be set for a time as soon as possible after receipt by the Board of applicant's petition.

§ 51.160 *Appearance.* Any party to any proceedings before the Board may appear in person, or by or with his attorney, who must possess the requisite qualifications, as hereinafter set forth, to practice before the Board.

§ 51.161 *Applicant's attorney.* (a) Attorneys at law in good standing who are admitted to practice before the Federal courts or before the courts of any State or Territory of the United States may practice before the Board.

(b) No officer or employee of the Department of State whose official duties have, in fact, included participation in the investigation, preparation, presentation, decision or review of cases of the class within the competence of the Board of Passport Appeals shall, within two (2) years after the termination of such duties appear as attorney in behalf of an applicant in any case of such nature, nor shall any one appear as such attorney in a case of such class if in the course of prior government service he has dealt with any aspects of the applicant's activities relevant to a determination of that case.

§ 51.162 *Supplementary information to applicant.* The purpose of the hearing is to permit applicant to present all information relevant and material to the decision in his case. Applicant may, at the time of filing his petition, address a request in writing to the Board for such additional information or explanation as may be necessary to the preparation of his case. In conformity with the relevant laws and regulations, the Board shall pass promptly and finally upon all such requests and shall advise applicant of its decision. The Board shall take whatever action it deems necessary to insure the applicant of a full and fair consideration of his case.

§ 51.163 *Hearings.* The Passport file and any other pertinent Government files shall be considered as part of the evidence in each case without testimony or other formality as to admissibility. Such files may not be examined by the applicant, except the applicant may examine his application or any paper which he has submitted in connection with his application or appeal. The applicant may appear and testify in his own behalf, be represented by counsel subject to the provisions of § 51.161, present witnesses and offer other evidence in his own behalf. The applicant and all witnesses may be cross-examined by any member of the Board or its counsel. If any witness

whom the applicant wishes to call is unable to appear personally, the Board may, in its discretion, accept an affidavit by him or order evidence to be taken by deposition. Such depositions may be taken before any person designated by the Board and such designee is hereby authorized to administer oaths or affirmations for the purpose of the depositions. The Board shall conduct the hearing proceedings in such manner as to protect from disclosure information affecting the national security or tending to disclose or compromise investigative sources or methods.

§ 51.164 *Admissibility*. The Board and the applicant may introduce such evidence as the Board deems proper. Formal rules of evidence shall not apply, but reasonable restrictions shall be imposed as to the relevancy, competency, and materiality of evidence presented to the Passport Office's stated reasons for its decision and/or to the application of § 51.135 or § 51.136 to applicant's case.

§ 51.165 *Argumentation*. All argumentation shall be directed to the application of the passport regulations to the facts of the particular case. The Board will permit no oral argument or motions relative to the legality or propriety of the hearing or other procedures of the Board. Submission of such argument or motions will be confined to the filing of written briefs, objections, or motions to be made a part of the record. The Board will not undertake to consider any such motion or contention.

§ 51.166 *Privacy of hearings*. Hearings shall be private. There shall be present at the hearing only the members of the Board, Board's Counsel, official stenographers, Departmental employees concerned, the applicant, his counsel, and the witnesses. Witnesses shall be present at the hearing only while actually giving testimony.

§ 51.167 *Misbehavior before Board*. If, in the course of a hearing before the Board, an applicant or attorney is guilty of misbehavior, he may be excluded from further participation in the hearing. In addition, he may be excluded from participation in any other case before the Board.

§ 51.168 *Transcript of hearings*. A complete verbatim stenographic transcript shall be made of hearings by qualified reporters, and the transcript shall constitute a permanent part of the record. Upon request, the applicant and each witness shall have the right to inspect the transcript of his own testimony.

§ 51.169 *Notice of decision*. The Board shall communicate the action recommended under § 51.140 on all cases appealed to it, to the Secretary of State. The decision of the Secretary of State shall be notified in writing to the applicant. Such notice shall be given the applicant as promptly as possible after his hearing before the Board.

§ 51.170 *Probative value of evidence*. In determining whether there is a preponderance of evidence supporting the denial of a passport the Board shall consider the entire record, including the transcript of the hearing and such confidential information as it may have in its possession. The Board shall take into consideration the inability of the applicant to meet information of which he has not been advised,

specifically or in detail, or to attack the creditability of confidential informants.

Adopted by the Board of Passport Appeals December 30, 1953.

Dated: January 4, 1954.

[SEAL]

THRUSTON B. MORTON,
Chairman,
Board of Passport Appeals.

JOHN FOSTER DULLES,
Secretary of State.

Immigration and Visas

[IMMIGRATION AND NATIONALITY ACT OF 1952: Public Law
414 (82d Congress, 2d Session), June 27, 1952]¹

9. PRESIDENTIAL PROCLAMATION ESTABLISHING IMMIGRATION QUOTAS, JUNE 30, 1952²

WHEREAS under the provisions of section 201 (b) of the Immigration and Nationality Act,³ the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to determine the annual quota of any quota area established pursuant to the provisions of section 202 of the said Act, and to report to the President the quota of each quota area so determined; and

WHEREAS the Acting Secretary of State, the Acting Secretary of Commerce, and the Attorney General have reported to the President that in accordance with the duty imposed and the authority conferred upon them by section 201 (b) of the Immigration and Nationality Act, they jointly have made the determination provided for and computed under the provisions of section 201 (a) of the said Act; and have fixed, in accordance therewith, immigration quotas as hereinafter set forth:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid Act of Congress, do hereby proclaim and make known that the annual quota of each quota area hereinafter

¹ 66 Stat. 163. The act was amended by PL 770, 83d Cong., 2d sess., Sept. 3, 1954; 68 Stat. 1145. For a discussion of the changes in the visa work of the Department of State and the Foreign Service under the act of 1952, see articles by Eliot B. Coulter in the Department of State *Bulletin*, Feb. 2, 1953, pp. 195-203 and Feb. 9, 1953, pp. 232-239.

² 66 Stat. c36.

³ PL 414; 82d Cong., 2d sess., June 27, 1952; 66 Stat. 163.

enumerated has been determined in accordance with the law to be, and shall be, as follows:

Area No.	Quota area	Quota
1	Afghanistan	100
2	Albania	100
3	Andorra	100
4	Arabian Peninsula	100
5	Asia-Pacific triangle	100
6	Australia	100
7	Austria	1, 405
8	Belgium	1, 297
9	Bhutan	100
10	Bulgaria	100
11	Burma	100
12	Cambodia	100
13	Cameroons (trust territory, United Kingdom)	100
14	Cameroons (trust territory, France)	100
15	Ceylon	100
16	China	100
17	Chinese	105
18	Czechoslovakia	2, 859
19	Danzig, Free City of	100
20	Denmark	1, 175
21	Egypt	100
22	Estonia	115
23	Ethiopia	100
24	Finland	566
25	France	3, 069
26	Germany	25, 814
27	Great Britain and Northern Ireland	65, 361
28	Greece	308
29	Hungary	865
30	Iceland	100
31	India	100
32	Indonesia	100
33	Iran (Persia)	100
34	Iraq	100
35	Ireland (Eire)	17, 756
36	Israel	100
37	Italy	5, 645
38	Japan	185
39	Jordan	100
40	Korea	100
41	Laos	100
42	Latvia	235
43	Lebanon	100
44	Liberia	100
45	Libya	100
46	Liechtenstein	100
47	Lithuania	384
48	Luxembourg	100
49	Monaco	100
50	Morocco	100
51	Muscat (Oman)	100
52	Nauru (trust territory, Australia)	100
53	Nepal	100
54	Netherlands	3, 136
55	New Guinea (trust territory, Australia)	100

Area No.	Quota area	Quota
56	New Zealand	100
57	Norway	2, 364
58	Pacific Islands (trust territory, United States administered) . .	100
59	Pakistan	100
60	Palestine (Arab Palestine)	100
61	Philippines	100
62	Poland	6, 488
63	Portugal	438
64	Ruanda-Urundi (trust territory, Belgium)	100
65	Rumania	289
66	Samoa, Western (trust territory, New Zealand)	100
67	San Marino	100
68	Saudi Arabia	100
69	Somaliland (trust territory, Italy)	100
70	South-West Africa (mandate)	100
71	Spain	250
72	Sweden	3, 295
73	Switzerland	1, 698
74	Syria	100
75	Tanganyika (trust territory, United Kingdom)	100
76	Thailand (Siam)	100
77	Togo (trust territory, France)	100
78	Togoland (trust territory, United Kingdom)	100
79	Trieste, Free Territory of	100
80	Turkey	225
81	Union of South Africa	100
82	U. S. S. R.	2, 697
83	Vietnam	100
84	Yemen	100
85	Yugoslavia	933

The provision of an immigration quota for any quota area is designed solely for the purposes of the Immigration and Nationality Act and shall not constitute recognition by the United States of the political transfer of territory from one country to another, or recognition of a government not recognized by the United States.

The following proclamations regarding immigration quotas are hereby revoked: Proclamation 2283 of April 28, 1938; Proclamation 2603 of February 8, 1944; Proclamation 2666 of September 28, 1945; Proclamation 2696 of July 4, 1946; Proclamation 2846 of July 27, 1949; and Proclamation 2911 of October 31, 1950.¹

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this thirtieth day of June, in the year of our Lord nineteen hundred and fifty-two, and of the [SEAL] Independence of the United States of America the one hundred and seventy-sixth.

¹ 52 Stat. 1544; 58 Stat. 1125; 59 Stat. 883; 60 Stat. 1353; 63 Stat. 1278; 64 Stat., pt. 2, A449, respectively.

10. REFUGEE RELIEF ACT OF 1953,¹ AS AMENDED BY THE ACT OF AUGUST 31, 1954²

SHORT TITLE

SECTION 1. This Act may be cited as the Refugee Relief Act of 1953.

DEFINITIONS

SEC. 2. (a) "Refugee" means any person in a country or area which is neither Communist nor Communist-dominated, who because of persecution, fear of persecution, natural calamity or military operations is out of his usual place of abode and unable to return thereto, who has not been firmly resettled, and who is in urgent need of assistance for the essentials of life or for transportation.

(b) "Escapee" means any refugee who, because of persecution or fear of persecution on account of race, religion, or political opinion, fled from the Union of Soviet Socialist Republics or other Communist, Communist-dominated or Communist-occupied area of Europe including those parts of Germany under military occupation by the Union of Soviet Socialist Republics, and who cannot return thereto because of fear of persecution on account of race, religion or political opinion.

(c) "German expellee" means any refugee of German ethnic origin residing in the area of the German Federal Republic, western sector of Berlin, or in Austria who was born in and was forcibly removed from or forced to flee from Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, Union of Soviet Socialist Republics, Yugoslavia, or areas provisionally under the administration or control or domination of any such countries, except the Soviet zone of military occupation of Germany.

(d) "Administrator" means the administrator of the Bureau of Security and Consular Affairs established in the Department of State pursuant to subsection (b) of section 104 of the Immigration and Nationality Act.³

SPECIAL NONQUOTA VISAS; NUMBERS

SEC. 3. There are hereby authorized to be issued two hundred five thousand special nonquota immigrant visas to aliens, specified in section 4 of this Act, seeking to enter the United States as immigrants and to their spouses and their unmarried sons or daughters under twenty-one years of age, including stepsons or stepdaughters and sons or daughters adopted prior to July 1, 1953, if accompanying them.

¹ PL 203, 83d Cong., 1st sess., Aug. 7, 1953; 67 Stat. 400.

² PL 751, 83d Cong., 2d sess., Aug. 31, 1954; 68 Stat. 1044. *Refugee Relief Act of 1953 . . . with Amendments of August 31, 1954* (House Judiciary Committee print, Oct. 1, 1954). See also the article by Frank L. Auerbach entitled "The Refugee Relief Act of 1953 as Amended" in the Department of State *Bulletin*, Sept. 27, 1954, pp. 452-458 (printed also as Department of State publication 5615; 1954).

³ PL 414, 82d Cong., 2d sess., June 27, 1952; 66 Stat. 174.

ALLOCATION OF SPECIAL NONQUOTA VISAS

SEC. 4. (a) Special nonquota immigrant visas authorized to be issued under section 3 of this Act shall be allotted as follows:

(1) Not to exceed fifty-five thousand visas to German expellees residing in the area of the German Federal Republic or in the western sectors of Berlin or in Austria: *Provided*, That the visas issued under this paragraph shall be issued only in the German Federal Republic or in the western sector of Berlin or in Austria.

(2) Not to exceed thirty-five thousand visas to escapees residing in the area of the German Federal Republic or the western sectors of Berlin or in Austria: *Provided*, That the visas issued under this paragraph shall be issued only in the German Federal Republic or in the western sector of Berlin or in Austria.

(3) Not to exceed ten thousand visas to escapees residing within the European continental limits of the member nations of the North Atlantic Treaty Organization or in Turkey, Sweden, Iran or in the Free Territory of Trieste and who are not nationals of the area in which they reside: *Provided*, That such visas shall be issued only in the area or areas mentioned in this paragraph.

(4) Not to exceed two thousand visas to refugees who (a) during World War II were members of the armed forces of the Republic of Poland, (b) were honorably discharged from such forces, (c) reside on the date of the enactment of this Act in the British Isles, and (d) have not acquired British citizenship.

(5) Not to exceed forty-five thousand visas to refugees of Italian ethnic origin, residing on the date of the enactment of this Act in Italy or in the Free Territory of Trieste: *Provided*, That such visas shall be issued only in the area or areas mentioned in this paragraph.

(6) Not to exceed fifteen thousand visas to persons of Italian ethnic origin, residing on the date of the enactment of this Act in Italy or in the Free Territory of Trieste, who qualify under any of the preferences specified in paragraph (2), (3) or (4) of section 203 (a) of the Immigration and Nationality Act: *Provided*, That such visas shall be issued only in Italy or in the Free Territory of Trieste.

(7) Not to exceed fifteen thousand visas to refugees of Greek ethnic origin residing on the date of the enactment of this Act in Greece: *Provided*, That such visas shall be issued only in Greece.

(8) Not to exceed two thousand visas to persons of Greek ethnic origin, residing on the date of the enactment of this Act in Greece, who qualify under any of the preferences specified in paragraph (2), (3) or (4) of section 203 (a) of the Immigration and Nationality Act: *Provided*, That such visas shall be issued only in Greece.

(9) Not to exceed fifteen thousand visas to refugees of Dutch ethnic origin residing on the date of the enactment of this Act in continental Netherlands: *Provided*, That such visas shall be issued only in continental Netherlands.

(10) Not to exceed two thousand visas to persons of Dutch ethnic origin, residing on the date of the enactment of this Act in continental Netherlands, who qualify under any of the preferences specified in paragraph (2), (3) or (4) of section 203 (a) of the Immigration and

ationality Act: *Provided*, That such visas shall be issued only in continental Netherlands.

(11) Not to exceed two thousand visas to refugees, residing within the district of an American consular office in the Far East: *Provided*, that such visas shall be issued only in said consular office district and only to refugees who are not indigenous to the area described in this paragraph.

(12) Not to exceed three thousand visas to refugees, residing within the district of an American consular office in the Far East: *Provided*, that such visas shall be issued only in said consular office district and only to refugees who are indigenous to the area described in this paragraph.

(13) Not to exceed two thousand visas to refugees of Chinese ethnic origin whose passports for travel to the United States are endorsed by the Chinese National Government or its authorized representatives.

(14) Not to exceed two thousand visas to refugees who on the date of the enactment of this Act are eligible to receive assistance from the United Nations Relief and Works Agency for Palestine Refugees in the Near East: *Provided*, That such visas shall be issued only in the area described in this paragraph.

(b) The allotments provided in subsection (a) of this section shall be available for the issuance of immigrant visas to the spouses and unmarried sons or daughters under twenty-one years of age, including stepsons or stepdaughters and sons or daughters adopted prior to July 1, 1953, referred to in section 3 of this Act, of persons referred to in subsection (a) of this section.

(c) Any allotments of visas provided in paragraphs (5) and (6), paragraphs (7) and (8), and paragraphs (9) and (10) of subsection (b) of this section, shall be available bilaterally within each of the three ethnic groups therein defined.

ORPHANS

SEC. 5. (a) Not to exceed four thousand special nonquota immigrant visas may be issued to eligible orphans as defined in this Act who are under ten years of age at the time the visa is issued: *Provided*, that not more than two such special nonquota immigrant visas may be issued to eligible orphans adopted or to be adopted by any one United States citizen and spouse, unless necessary to prevent the separation of brothers or sisters.

(b) When used in this Act the term "eligible orphan" shall mean an alien child (1) who is an orphan because of the death or disappearance of both parents, or because of abandonment or desertion by, or separation or loss from, both parents, or who has only one parent due to the death or disappearance of, abandonment or desertion by, or separation or loss from the other parent and the remaining parent is incapable of providing care for such orphan and has in writing irrevocably released him for emigration and adoption; (2) (a) who has been lawfully adopted abroad by a United States citizen and spouse, or (b) for whom assurances, satisfactory to the consular officer to whom a visa application on behalf of the orphan is made, have been

given by a United States citizen and spouse that if the orphan is admitted into the United States they will adopt him in the United States and will care for him properly; and (3) who is ineligible for admission into the United States solely because the nonpreference portion of the quota to which he would otherwise be chargeable is oversubscribed by applicants registered on the consular waiting list at the time his visa application is made: *Provided*, That no natural parent of any eligible orphan who shall be admitted into the United States pursuant to this Act shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

(c) The assurances required in this section shall be in lieu of the assurances required in section 7 of this Act, and the provisions of section 7 (d) (2) shall not apply to eligible orphans as defined in this section.

ADJUSTMENT OF STATUS

SEC. 6. Any alien who establishes that prior to July 1, 1953, he lawfully entered the United States as a bona fide nonimmigrant and that he is unable to return to the country of his birth, or nationality, or last residence because of persecution or fear of persecution on account of race, religion, or political opinion, or who was brought to the United States from other American republics for internment, may, not later than June 30, 1955, apply to the Attorney General of the United States for an adjustment of his immigration status. If the Attorney General shall, upon consideration of all the facts and circumstances of the case, determine that such alien has been of good moral character for the preceding five years and that the alien was physically present in the United States on the date of the enactment of this Act and is otherwise qualified under all other provisions of the Immigration and Nationality Act except that the quota to which he is chargeable is oversubscribed, the Attorney General shall report to the Congress all the pertinent facts in the case. If, during the session of the Congress in which a case is reported or prior to the end of the session of the Congress next following the session in which a case is reported, the Congress passes a concurrent resolution stating in substance that it approves the granting of the status of an alien lawfully admitted for permanent residence to such alien, the Attorney General is authorized, upon the payment of the required visa fee, which shall be deposited in the Treasury of the United States to the account of miscellaneous receipts, to record the alien's lawful admission for permanent residence as of the date of the passage of such concurrent resolution. If, within the above specified time, the Congress does not pass such a concurrent resolution, or, if either the Senate or the House of Representatives passes a resolution stating in substance that it does not approve the granting of the status of an alien lawfully admitted for permanent residence, the Attorney General shall thereupon deport such alien in the manner provided by law: *Provided*, That the provisions of this section shall not be applicable to any aliens admitted into the United States under the provisions of Public Law 584, Seventy-ninth Con-

gress, second session (60 Stat. 754), Public Law 402, Eightieth Congress, second session (62 Stat. 6): *Provided further*, That the number of aliens who shall be granted the status of aliens lawfully admitted for permanent residence pursuant to this section shall not exceed five thousand.

ASSURANCES

SEC. 7. (a) Except as otherwise herein provided, no visa shall be issued to any alien under this Act unless an assurance, in accordance with regulations promulgated pursuant to this Act, shall first have been given by a citizen or citizens of the United States that such alien, if admitted into the United States, will be suitably employed without displacing some other person from employment and that such alien and the members of such alien's family who shall accompany such alien and who propose to live with such alien will not become public charges and will have housing without displacing some other person from such housing. The spouse and unmarried dependent sons and daughters under twenty-one years of age, including stepsons and stepdaughters and sons or daughters adopted prior to July 1, 1953, of such alien, shall not be required to have such assurances made in their behalf. The assurances shall be submitted to the Administrator and it shall be the duty of the Administrator to verify the authenticity and bona fides of such assurances and such assurances shall be subject to final acceptance and approval by consular and immigration officers. Blanket assurances, or assurances not submitted by a responsible individual citizen or citizens, shall not be considered as satisfying the requirements of this section. The assurances for employment and housing shall be indexed and filed in such manner so as to show the specific address or addresses in the United States in which both the employment and housing are available, the type of employment and housing which are available, and the conditions and terms of the employment. Each assurance shall be a personal obligation of the individual citizen or citizens giving or submitting such assurance. This subsection shall have no applicability to the alien eligible under paragraph (6), (8), or (10) of section 4 (a) of this Act, if such alien provides satisfactory evidence that he will not become a public charge. No visa shall be issued under the allotment of forty-five thousand visas heretofore made by paragraph (5) of subsection 4 (a) of this Act to refugees in Italy, or under the allotment of fifteen thousand visas heretofore made by paragraph (7) of subsection 4 (a) of this Act to refugees in Greece, or under the allotment of fifteen thousand visas heretofore made by paragraph (9) of subsection 4 (a) of this Act to refugees in the Netherlands, to an alien who qualifies under the preferences specified in paragraph (2), (3), or (4) of section 203 (a) of the Immigration and Nationality Act, until satisfactory evidence is presented to the responsible consular officer to establish that the alien in question will have suitable employment and housing, without displacing any other person therefrom, after arrival in the United States. Verification of such available employment and housing shall be made in accordance with such regulations

as the Administrator may, in his discretion, prescribe for the administration of the Act, including job order clearances by the United States Employment Service and its affiliated State employment services, and a certification by local housing authorities wherever they exist and are authorized and prepared to make such certifications.

(b) Any alien admitted under this Act and subsequently determined to have been inadmissible under the provisions of this Act at the time of entry shall, irrespective of the date of his entry, be taken into custody and deported in the manner provided by sections 242 and 243 of the Immigration and Nationality Act (66 Stat. 208-214).

(c) Assistance rendered an alien in connection with his transportation to and resettlement in the United States shall not be regarded as a cause for excludability as an alien likely to become a public charge. No alien with respect to whom assurances have been furnished as provided in this section shall be deemed to be a pauper under paragraph (8) of section 212 (a) of the Immigration and Nationality Act (66 Stat. 182).

(d) No alien shall be issued a visa under this Act or be admitted into the United States unless he shall present to the consular officer at the time of making application for a visa or to the immigration officer at the time of application for admission (1) a valid unexpired passport or other suitable travel document, or document of identity or nationality, or other documentary evidence that he will be assured of readmission to the country of his nationality, foreign residence or in which he obtains a visa under this Act and (2) a certificate of readmission guaranteeing his readmission to the country in which he obtains a visa under this Act if it is subsequently found that he obtained a visa under this Act by fraud or by misrepresenting a material fact.

INTERGOVERNMENTAL ARRANGEMENTS

SEC. 8. The Secretary of State may, for the purposes of this Act, make such arrangements with foreign governments and with the Intergovernmental Committee for European Migration as are necessary and appropriate for the purpose of financing the overseas transportation of persons who may be issued visas under this Act, such arrangements to be mutually beneficial to the economics of the United States and the countries concerned, as well as to such persons. Such arrangements, where appropriate, may seek to enable immigrants under this Act to transfer into dollar currency personal assets necessary for defraying the cost of transportation and for use in the United States. Arrangements between the United States and the other governments concerned and the Intergovernmental Committee for European Migration should also provide for such cooperation and assistance as may be required in the administration of the program authorized under this Act in the territory of the intending immigrant's residence. All transportation by ships or airplanes of aliens under this Act to the United States, the cost of which is defrayed in whole or in part by the Government of the United States, shall be by ships or airplanes registered under the United States flag, if available.

SEC. 9. Within the categories established in section 4 of this Act the determination of the eligibility of persons to receive visas and the admissibility of such persons into the United States under this Act shall be made without discrimination in favor of or against race, religion, or the national origin of such persons.

EXEMPTIONS FROM VISA FEES

SEC. 10. Persons receiving visas under this Act shall be exempt from paying the fees prescribed in paragraphs (1) and (2) of section 281 of the Immigration and Nationality Act (66 Stat. 230-231).

CURRICULUM AND OTHER INVESTIGATION; EFFECT OF MISREPRESENTATION

SEC. 11. (a) No alien shall be issued a visa under this Act or be admitted into the United States unless there shall have first been a thorough investigation and written report made and prepared by such investigative agency or agencies of the Government of the United States as the President shall designate, regarding such person's character, reputation, mental and physical health, history and eligibility under this Act, and such investigations in each case shall be conducted in a manner and in such time as the investigative agency or agencies shall determine to be necessary.

(b) No person shall be issued a visa or be admitted into the United States under this Act if the consular officer or the immigration officer knows or has reason to believe that such person is ineligible for a visa or is subject to exclusion from the United States under any provision of the immigration laws or is not eligible under the terms of this Act.

(c) No person shall be issued a visa or be admitted into the United States under this Act unless the consular officer and the immigration officer, after an inspection and examination of such person abroad, are entirely satisfied upon the basis of affirmative evidence adduced by the applicant that the applicant has established his eligibility for a visa and his admissibility into the United States under this Act and under the immigration laws and regulations: *Provided*, That no person to whom a visa shall be issued shall be exempt from inspection and examination at a port of entry.

(d) No person shall be issued a visa under this Act or be admitted into the United States unless complete information shall be available regarding the history of such person covering a period of at least two years immediately preceding his application for a visa: *Provided*, That this provision may be waived on the recommendation of the Secretaries of State and Defense when determined by them to be in the national interest.

(e) Any person who shall make a material misrepresentation to any agency of the Government entrusted directly or indirectly with the administration, investigation, enforcement, or any other function relating to the implementation of this Act, for the purpose of gaining admission into the United States as an alien eligible hereunder, shall be excluded from admission into the United States under section 212 (19) of the Immigration and Nationality Act (66 Stat. 183).

PRIORITIES

SEC. 12. Priorities in the consideration of visa applications under this Act, except in the case of applications filed under paragraph (6), (8) or (10) of section 4 (a), without priority in time of issuance of visas as between such priorities or as between priority and non-priority cases under this Act shall be given to—

(1) Persons whose services or skills are needed in the United States, if such need has been certified to the Administrator, at his request, by the United States Employment Service and who are to be employed in a capacity calling for such services or such skills; and

(2) Persons who are (A) the parents of citizens of the United States, such citizens being at least twenty-one years of age, or (B) spouses or unmarried sons or daughters under twenty-one years of age, including stepsons or stepdaughters and sons or daughters adopted prior to July 1, 1953, of aliens lawfully admitted for permanent residence, or (C) brothers, sisters, sons or daughters of citizens of the United States.

SEC. 13. No priority in the consideration of visa applications under this Act shall be given to persons who were determined to be eligible or preliminarily eligible under the provisions of section (2) (c) of Public Law 774, Eightieth Congress, as amended,¹ solely because such persons were determined to be so eligible or preliminarily eligible.

PERSONS INELIGIBLE; OATH ON ADMISSION; PENALTIES

SEC. 14. (a) No visa shall be issued under this Act to any person who personally advocated or assisted in the persecution of any person or group of persons because of race, religion, or national origin.

(b) Before being issued a visa every alien eighteen years of age or older, authorized to be admitted under this Act, shall take and subscribe an oath or affirmation that he is not and never has been a person specified in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H) of section 212 (a) (28) of the Immigration and Nationality Act (66 Stat. 184-186), except as provided in subparagraph (I) of such section, and shall be liable to prosecution for perjury if such oath or affirmation is willfully false. If any alien not entitled to be issued a visa under this Act and not entitled to be admitted into the United States shall nevertheless gain admission, such alien shall, regardless of the date of his entry, be taken into custody and deported in the manner provided in sections 242 and 243 of the Immigration and Nationality Act (66 Stat. 208-214).

(c) Any person or persons who shall knowingly violate, conspire to violate, induce or attempt to induce any person to violate any provision of this Act shall be guilty of a felony, and upon conviction thereof shall be fined not more than \$10,000 or shall be imprisoned not more than ten years, or both.

¹ PL 774, 80th Cong., 2d sess., June 25, 1948; 62 Stat. 1009.

APPLICABILITY OF IMMIGRATION AND NATIONALITY ACT

SEC. 15. Except as otherwise expressly provided by this Act all of the provisions of the Immigration and Nationality Act (66 Stat. 163) shall be applicable under this Act.

LOANS

SEC. 16. Notwithstanding the provisions of any other law, the Secretary of the Treasury is authorized and directed to make loans not to exceed \$5,000,000 in the aggregate, to public or private agencies of the United States for the purpose of financing the transportation from ports of entry within the United States to the places of their resettlement, of persons receiving immigrant visas under this Act, and who lack resources to finance the expenses involved. Such loans, which shall mature not later than June 30, 1963, shall be made under rules and regulations promulgated pursuant to this Act: *Provided*, That such loans shall bear interest at a rate of 3 per centum per annum on the unpaid balance from their maturity date until final payment. No public or private agency shall be eligible to receive a loan under the provisions of this Act while such agency is in default in the payment of any loan made to it pursuant to the provisions of the Displaced Persons Act of 1948, as amended.¹

ELIGIBLE ALIENS TO BE NONQUOTA IMMIGRANTS

SEC. 17. Any alien granted a visa under this Act shall be deemed a nonquota immigrant for the purposes of the Immigration and Nationality Act (66 Stat. 163).

AUTHORIZATION OF APPROPRIATIONS

SEC. 18. There are hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act.

REPORTS

SEC. 19. The Administrator shall report to the President and the Congress on the operation of the program established under this Act on or about January 15 and June 15 of each year and shall submit a final report not later than June 15, 1957. Such reports shall include full and complete details regarding the administration of the Act and the administration of the funds provided for in section 16 of this Act.

TERMINATION

SEC. 20. No immigrant visa shall be issued under this Act after December 31, 1956.

¹ *Ibid.*

PART I—PROGRESS REPORT

GENERAL STATEMENT

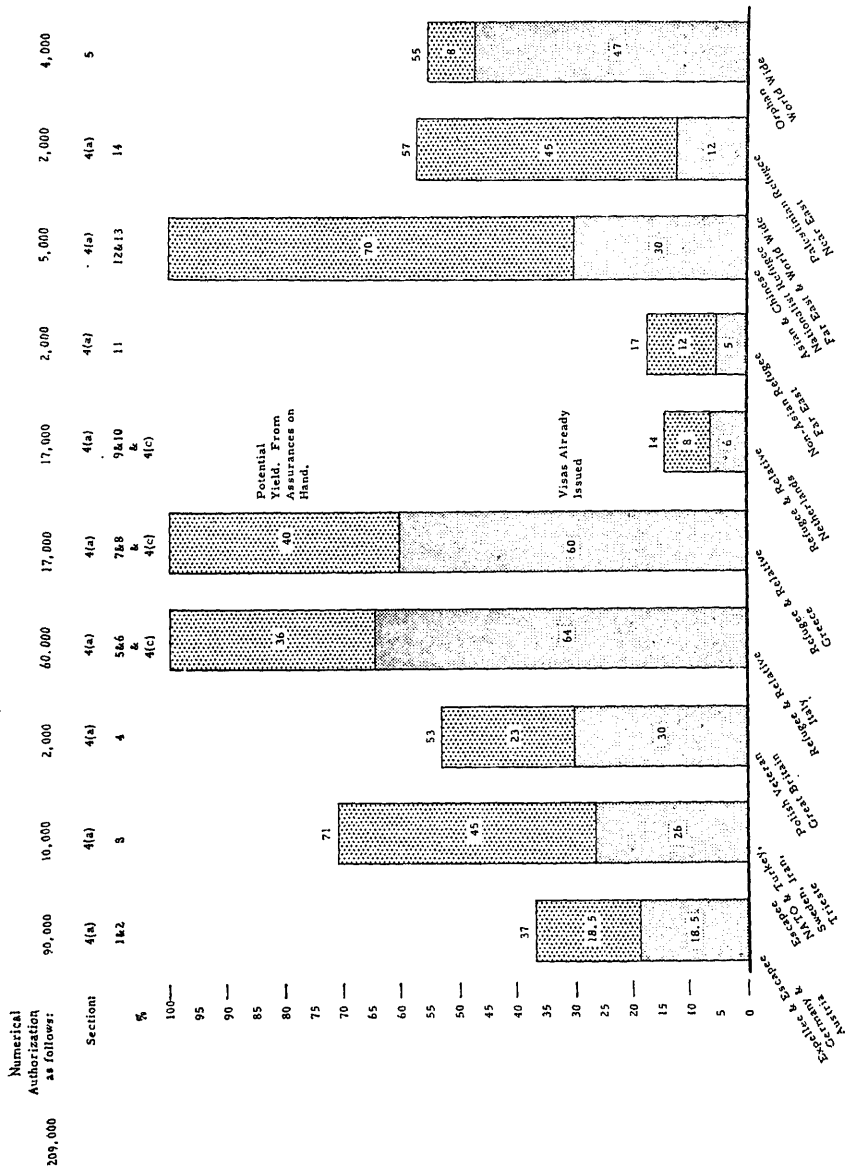
More than two-thirds of the life of the Refugee Relief Act of 1953, as amended,² has run its course. The original legislation was enacted by the Congress on August 7, 1953, with a specified termination date of December 31, 1956.

Of the 209,000 nonquota immigrant visas allocated by the Congress for issuance under the Refugee Relief Act of 1953, as amended, 73,331 visas have been issued worldwide as of December 31, 1955. Of this total, 77 percent were issued during 1955 and 49 percent from July 1, 1955, to January 1, 1956. Visas were refused or canceled on an additional 21,997 applicants. More than 107,000 applications are currently under active consideration. These pending applications probably will yield some 77,000 visas if the present rejection and cancellation rates continue. Procedures have been streamlined and paperwork cut considerably. There has been a substantial reduction in the period between the time an assurance is received by the Office of the Administrator in Washington and the time a final visa determination is made by the appropriate American consular authority abroad. Security requirements have been held at the level deemed necessary by the proper authorities to protect the best interests of the United States. Insofar as the factors are under the control of the Government, the program is prepared to issue as many visas as possible in each of the categories and in the areas authorized.

The refugee relief program is not a single program but a composite of different programs for diverse beneficiaries in various areas. Program prospects and status, therefore, are better viewed in the light of the various categories of beneficiaries in each area. Certain individual visa allocations will be, or have already been, reached. On the other hand, it is doubtful if allotments in other categories will be met. It is evident that, under existing circumstances, and barring unforeseen changes, considerably less than the authorized 209,000 nonquota immigrant visas will be issued by the termination of the refugee relief program on December 31, 1956. The graphic presentation given here (fig. 1) illustrates this fact. Figure I shows the current status of the program by section of the act in terms of visas already issued plus the potential yield from pending applications and shows quite vividly the extent to which additional assurances would be required for the issuance of the full allotment of visas.

¹ *Fifth Semiannual Report of the Administrator of the Refugee Relief Act of 1953, As Amended* (House Judiciary Committee print), Mar. 6, 1956.

² *Supra*.



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